3931

SUPREME COURT OF THE UNITED STATES.

No. 209.

THE HEIRS OF DON CARLOS DE VILEMONT, APP'TS,

vs.

THE UNITED STATES, ET AL.

APPEAL FROM THE DISTRICT COURT, U. S., FOR THE DISTRICT OF ARKANSAS.

INDEX.

	Original.	Print.
Petition	1	3
Writ of summons, and marshal's return	10	7
Separate answer of the U. States to petition	11	8
Motion for rule on petitioners	13	9
Alias, summons and return	15	10
Replication to answer of U. States	17	11
Bond for costs	18	12
Joint and several answers of Horace F. Walworth et al.	20	13
Additional bond for costs	25	15
Notice to complainants	27	16
Motions	28	17
Notice of filing interrogatories	32	19
Commission to take testimony	33	19
Interrogatories	35	21
Deposition of John A. Holton	41	23
Interrogatories to Joseph Bogy et al.	50	27
Deposition of Charles Bogy	55	30
Commission to take testimony	60	32
Interrogatories	61	33
Deposition of Edward Simon	69	36
" Louis Bouligny	72	39
" Antonie Cruzat	89	42
Spanish documents, marked A, B, C, D, E, F, referred to in 4th interrogatory	89	44

	Original.	Print.
Paper referred to in 13th interrogatory	165	77
Notice to the United States of the filing of interrogatories	167	78
Interrogatories	171	80
Deposition of Ambrose H. Sevier	177	83
" Joseph Egg	184	86
" Absalom Fowler	191	89
George H. Gallagher appointed translator	194	90
Deed from De Vilemont to Tessier	195	90
Notice to register of land office at Little Rock	199	93
Deed from Heirs of De Vilemont to Tessier	204	95
Agreement between Heirs of De Vilemont and Lewis Janin	206	96
Translation	213	99
Grant	214	99
Petition	215	100
Evidence, with reference to minutes and records	221	102
Plats between 225 & 226		
Admissions by defendants	246	117
Objections " "	247	118
Decree	249	119
Appeal prayed and allowed	253	121
Clerk's certificate	254	121
List of original papers filed with the record	255	121

3939.

THE UNITED STATES OF AMERICA,

District of Arkansas.

THE HEIRS OF DON CARLOS DE VILEMONT, complainants, vs. THE UNITED STATES, ET AL., defendants. } On petition in Chancery.

Pleas had before the Honourable Benjamin Johnson, Judge of the District Court of the United States, within and for the District of Arkansas, sitting for the adjudication of unconfirmed French and Spanish land claims in said district, according to an Act of Congress approved the 17th day of June, 1844, reviving the Act of Congress of 26th May, 1824, on the day of

Petition.

To the Honourable District Court of the United States, for the District of Arkansas.

The petition of Catharine De Vilemont, widow of Carlos De Vilemont, Sr., of Carlos De Vilemont, Jr., Ursin De Vilemont, Pedro De Vilemont, Zoe De Vilemont, and James Blaine, her husband, Don Carlos Gibson, Cecilia Gibson, and Adelia Gibson, the last three being infants, and appearing by the said Catharine, their grandmother and guardian, all of Chicot county in the state of Arkansas; and of Louis De Vilemont, a citizen of the state of Louisiana, said petitioners, being the widow, children and grandchildren of the late Don Carlos De Vilemont, and his only surviving heirs:

Of Armantine Mercier, and of Piere Soule, her husband, Adele Mercier, and Louis P. Caire, her husband, Armand Mercier, Alfred Mercier and Leontine Bouligny, the widow of Jean Jacques Mercier, and now the wife of Didier Dreux, herein acting as tutrix of her minor son, Auguste Mercier, and assisted and authorized by said Didier Dreux, her husband and co-tutor, and of Charles Tessier of the parish of East Baton Rouge, and State of Louisiana; and of Louis Janin of the City of New Orleans and State of Louisiana:

Humbly Showeth:

That on the 17th day of June, 1795, the Baron De Carondelet, then the Spanish Governor of the Province of Louisiana, granted to the late Don Carlos De Vilemont, a tract of land lying on the right descending bank of the Mississippi river, twenty-five leagues below the mouth of the Arkansas river, and at the place then known by the name of "la Isla del Chicote" or Chicot Island, and now called Point Chicot, said tract lying two leagues front on the Mississippi, and running back between parallel lines, one league in depth, and being bounded on the upper side by the Cypress Swamp of Chicot Island, or Point Chicot.

That on the 16th of January, 1811, the said Carlos De Vilemont sold and conveyed one undivided half of said grant to the petitioner

Charles Tessier. That the said Carlos De Vilemont departed this life, in the year 1823, leaving the petitioner Catharine De Vilemont, his widow, and 8 children, the issue of his marriage with the said Catharine De Vilemont, to wit: the petitioners Carlos, Pedro, Ursine and Louis De Vilemont, and Zoë Blaine, and Jules, Virgenet, and Matilda De Vilemont, since deceased, and that the right, title and interest of the said Carlos De Vilemont, to the remaining undivided half of said concession, thereupon descended to his said widow and children.

Your petitioners show that the said Charles Tessier sold, on the 8th May, 1815, one half of his half interest in said concession to the late John Mercier, of the parish of Orleans, and that said John Mercier died in the city of New Orleans, on the 31st of May, 1832, leaving 5 children and heirs, to whom his interest in said purchase descended, to wit: your petitioners, Armantine Soule, Adile Caire, Armand Mercier, Alfred Mercier, and the late Jean Jacques Mercier, and that the said Jean Jacques Mercier, having died on the 27th June, 1839, his interest as heir of his father, descended to his only son and heir Auguste Mercier, a minor, herein represented by Leontine Boligny his mother, now the wife of Didier Dreux, and by said Didier Dreux.

Your petitioner Charles Tessier, and the said heirs of J. J. Mercier, show, that they sold the half interest, which they thus had acquired in said concession, in the year 1834, to Robert J. Walker of the state of Mississippi, who transferred all his right, title and interest under said purchase to Louis Janin of the state of Louisiana, on the 3d of September, 1836, and that the said sales to Robert J. Walker, being conditional sales, the said Charles Tessier, and heirs of Jean Mercier, are still interested in said concession, and in its confirmation.

That the aforesaid Matilda De Vilemont, having intermarried with John Gibson, she and her said husband sold, on the 15th of December, 1826, all their rights in and to any property belonging to the succession of the late Carlos De Vilemont, to the said Catharine De Vilemont.

That subsequently the said Matilda and John Gibson, departed this life, leaving three children, to wit: Don Carlos Gibson, Cecelia Gibson and Adelia Gibson.

That the said Jules De Vilemont, and Virgine De Vilemont, having subsequently also died, their shares in the aforesaid concession were inherited by the remaining members of the said Vilemont family, who are the plaintiffs in this suit.

That from the premises, it appears that the petitioners are now the owners of the aforesaid concession. That, in conformity with the 7th section of an act of Congress, entitled, "An Act making further provisions for settling the claims to lands in the territory of Missouri," approved on the 13th of June, 1812, the said Carlos de Vilemont filed the aforesaid concession with the recorder of land titles for the territory of Missouri, for confirmation, in the month of September, 1812; and that, on the 4th of October, 1813, the said recorder made a report thereon, stating in substance the nature of the claim,

that it had a special location; and that, in his opinion, it ought not to be confirmed, the conditions of the grant not having been complied with. Your petitioners show that the conditions expressed in said concession were, that the usual road and clearing should be made within one year, that the land should be established within three years, and that, in default thereof, the concession should be null. And your petitioners aver, that said conditions were literally the same which were inserted in by far the greater number of the orders of survey granted by the Spanish government, with a front on the Mississippi River, and on several other water courses, that said conditions were a mere matter of form, not insisted upon by the Spanish government, and, notwithstanding the apparently precise language in which they are expressed, never considered as a cause of forfeiture by the Spanish government—that such orders of survey were considered and respected by said government as private property, although the said conditions had not been complied with; and that, accordingly, a very large number of such orders of survey so circumstanced has been confirmed by the government of the United States.

And the petitioners further show, that, even if said concessions had been strictly insisted upon in other cases, the said Carlos de Vilemont would have dispensed with their performance, because he was, from the year 1794 to and inclusive of the year 1802, the commandant of the post of Arkansas; and, during all this time, neither did, nor would have been permitted to absent himself on private business from the said post, which was established on the Arkansas River; and because, during all that time, and even for some time subsequently to the cession of Louisiana to the United States, there were no settlements of white people within a great distance from the place where said concession was situated, and the Indians in the neighbourhood thereof were so hostile, that an isolated settlement on said point could not have been attempted without the most imminent danger.

The petitioners show further, that the said Carlos de Vilemont endeavoured, soon after the date of said concession, to procure persons to make a settlement on said land for him, but could not succeed, on account of the above explained danger; that, in the year 1803, he again attempted a settlement, and that, from the year 1807 to the present time, with the only exception of the years 1820 and 1821, either the said Vilemont, or persons employed by him or his family, have been in the actual possession of a part of said land, and have cultivated and improved the same.

The petitioners show that, subsequently to the year 1813, various acts of Congress were passed, providing for the settlement of land claims derived from Spain, in the territory of Missouri, and in the territory of Arkansas, but that said acts of Congress expressly excluded from their operation all concessions exceeding a league square, that the petitioners, accordingly, and did constantly, but without success, apply to Congress for the confirmation of their claim, that, while they were continuing to make all the efforts in their power, and not-

withstanding their express protests and caveats, the Register and Receiver of the Land Office, at Little Rock, in Arkansas, sold, in the year 1830, by far the greater part of the land embraced in said concession.

That, on the 9th day of July, 1832, an act of Congress was passed, entitled, "An Act for the final adjustment of private land claims in Missouri," by the 5th section of which, the petitioners were authorized to submit their said claim to the Recorder of Land Titles in the State of Missouri, and to the commissioners appointed in pursuance of said act, to be reported and proceeded upon in the manner provided for by said act; that, on the 3d of December, 1834, said board unanimously reported said claim for confirmation; and that, by the 1st section of an act of Congress, entitled, "An Act confirming claims to land in the State of Missouri, and for other purposes," approved on the 4th of July, 1836, most of the claims included in the general report of said recorder and commissioners were confirmed, but the claim of the petitioners was expressly excluded from confirmation.

That, subsequently, the petitioners again and repeatedly petitioned Congress for the confirmation of their claim, and obtained several favourable reports, but that Congress never acted finally on their application.

That, by an act of Congress, entitled, "An Act to provide for the adjustment of land claims in the States of Missouri, Arkansas, and Louisiana," &c., approved June 17th, 1844, the petitioners are authorized to lay the claim before this honourable court, for its final adjudication. The petitioners aver, that their said claim is valid, according to the laws of Spain and the laws of the United States, and ought, therefore, to be confirmed. They further show, that the portion of said claim which is still unsold, is the whole of fractional township, fifteen south, range one east, of the Helena land district, which, by the surveys of the United States heretofore made, embraces four thousand five hundred and forty-eight acres, but has, by the abrasion of the river, been reduced to about four thousand acres; that, within the limits of said unsold portion, several persons have taken, and still hold, possession of parts of said concession, which they claim adversely to the petitioners, viz.: Horace F. Walworth, and the widow and son of the late Benjamin L. Miles, namely, Mary B. Miles and James B. Miles.

That said persons took possession of said portion of land, in violation of the rights of the petitioners, and with a full knowledge thereof, availing themselves of the impossibility of the petitioners to bring suit against them until the concession is confirmed.

Wherefore petitioners pray, that the District Attorney of the United States, for the District of Arkansas, and Horace F. Walworth, Mary B. Miles, and James B. Miles, who reside in Chicot County, in the State of Arkansas, may be cited, that a copy of this petition may be served on each of them; that the aforesaid concession made to Carlos de Vilemont, on the 17th day of June, 1795,

may be declared valid and confirmed to the petitioners, and that the difference between the original extent of the concession of two square leagues, and the portion thereof still remaining unsold, to wit, four thousand five hundred and forty-eight acres, they may be permitted to enter an equal quantity of land, in any land office in the State of Arkansas.

S. L. JOHNSON,
Solicitor for Complainants.
L. JANIN,
Solicitor for Complainant, by S. L. Johnson.

Filed 16th June, 1846.

WM. FIELD, *Clerk.*

Writ.

THE UNITED STATES OF AMERICA,
District of Arkansas.

The President of the United States, to the Marshal of the Arkansas District, greeting:

You are hereby commanded to summon Samuel H. Hempstead, Esquire, United States Attorney for the District of Arkansas, and Horace F. Walworth, Mary B. Miles, and James B. Miles, to appear before the Judge of our District Court of the United States, for the adjudication of unconfirmed French and Spanish land claims, in and for the District of Arkansas, at the court house in the city of Little Rock, on the sixth day of July next, to answer the heirs of Don Carlos de Villemont and others, on a petition in chancery, for the confirmation of title to lands; and have you then and there this writ.

In testimony whereof, Benjamin Johnson, Esq., Judge of said Court, has caused the seal thereof to be hereunto affixed, this 16th day of June, A. D. 1846, and in the seventieth year of our Independence.

[SEAL.]

(Attest) WM. FIELD, *Clerk*,
By D. W. CARROLL, *D. C.*

Return.

Came to hand June 21st, A. D. 1846.
ELIAS RECTOR, *U. S. Marshal*,
By S. M. RUTHERFORD, *D. M.*

Executed the within writ of summons upon Samuel H. Hempstead, Attorney of the United States, on the 24th June, 1846, in the

City of Little Rock, and District of Arkansas, and also delivered to said Attorney a copy of the petition filed in this case.
Service, $2 00.

E. RECTOR, *U. S. Marshal,*
By S. M. RUTHERFORD, *D. M.*

Filed July 3d, 1846.

WM. FIELD, *Clerk,*
By D. W. CARROLL, *D. C.*

And afterwards, to wit, on the 4th Aug. 1846, the following order was had in this case, to wit:
On this day came the said defendants by S. H. Hempstead, Esq., District Attorney, and on motion file their answer to the petition of the said complainant.

Answer of United States.

In the District Court of the United States for the District of Arkansas, sitting for the adjudication of land claims.

CATHARINE DE VILLEMONT, AND OTHERS,
vs.
THE UNITED STATES, AND OTHERS. } Case No. 6.

The separate answer of the said United States, by their attorney for said district, to the said petition of the said petitioners. The respondents, saving and reserving to themselves, &c. Nevertheless, for answer to the said petition say, that they are entirely uninformed as the matters and things in the said petition alleged, and that they expressly deny the same, and demand full and complete proof of the truth thereof.

Further answering, the respondents expressly deny that said grant was genuine, or that the same was made as alleged in said petition, or if made, that the terms and conditions thereof were performed by the said Don Carlos de Villemont, according to the true intent and meaning thereof, or that anything was done by him equivalent to such performance, or that there was, or is any valid excuse for the non performance thereof, and the respondents expressly deny, that the said petitioners are entitled to a confirmation of said grant, and they demand proof of all such matters and things as are necessary to obtain such confirmation.

Further answering, the respondents aver, that the petitioners are barred and precluded from obtaining a confirmation of said grant or claim, by reason of the neglect and failure to present the same in proper time, to tribunals created by Congress in that behalf, for investigation, report, and adjudication.

Wherefore the said United States pray, that the relief prayed for

may be denied, and that the said petition may be dismissed with costs, &c.

S. H. HEMPSTEAD,
United States Attorney for Arkansas District.

Filed August 4th, 1846.

WM. FIELD, *Clerk*,
By D. W. CARROLL, *D. C.*

And afterwards, to wit, on the 20th Aug., 1846, the following order was had in said case, to wit:

This day came the United States by their attorney, and on his motion filed in writing it is ordered, that the said complainants be and they are hereby required, on or before the second Monday of October next, to file a bond for the costs in this case, according to law.

Motion.

District Court of the United States for the adjudication of land claims.

CATHARINE DE VILLEMONT, AND OTHERS,
vs.
THE UNITED STATES. } No. 6.

The defendants, by their attorney, move the court for a rule on the petitioners, requiring them to give security for the costs and charges, which have and may accrue in this suit.

S. H. HEMPSTEAD,
United States Attorney, &c.

Filed 20th August, 1846.

WM. FIELD, *Clerk.*

And afterwards, to wit, on the 21st August, 1846, the following order was had, to wit:

This day came the said complainants, by A. Fowler their solicitor, and on his motion it is ordered, that he have leave to amend the citation in this case, by inserting the names of Horace F. Walworth, Mary B. Miles, and James B. Miles, as defendants, and that an alias citation issue in this case for them, returnable to the next term of this court.

Motion.

In the District Court of the United States for the District of Arkansas, sitting for the adjudication of French, Spanish, and British land claims.

THE HEIRS OF DON CARLOS DE VILEMONT, AND OTHERS, *Petitioners*,
vs.
THE UNITED STATES OF AMERICA, HORACE F. WALWORTH, MARY B. MILES, AND JAMES B. MILES, *Defendants.*

Petition for confirmation of concession of land.

And the said petitioners, heirs of the said Don Carlos deceased, by their solicitor, came and move that the citation issued and returned in this case be amended, by inserting the names of *Horace F. Walworth*, *Mary B. Miles*, and James B. Miles, as defendants therein, and that an alias citation be awarded herein, for them to appear, &c., at the next term of this court, &c.

A. FOWLER, *Solicitor, &c.*

Filed 21st Aug., 1846.

WM. FIELD, *Clerk.*

Alias Citation.

UNITED STATES OF AMERICA,
District of Arkansas:

The President of the United States to the Marshal of the Arkansas District, greeting:

You are hereby commanded to summon Horace F. Walworth, Mary B. Miles, and James B. Miles, if they be found within your bailiwick, to appear before the Judge of our District Court of the United States, for the adjudication of unconfirmed French and Spanish land claims, in and for the District of Arkansas, at the court house in the city of Little Rock, on the first day of our next October term, to answer Catharine de Villemont, Carlos de Villemont, Ursin de Villemont, Pedro de Villemont, Zoë de Villemont, and James Blaine, her husband, Don Carlos Gibson, Cecelia Gibson, and Adelia Gibson, who appear by Catharine de Villemont, Louis de Villemont, the widow, children, and grandchildren of the late Carlos de Villemont, Armentine Mercier, and Pierce Soule, her husband, Adele Mercier, and Louis F. Caire, her husband, Armand Mercier, Alfred Mercier, and Leontine Bolegny, the widow of Jean Jacques Mercier, and now the wife of Didier Dreux, for Auguste Mercier, a minor, and Charles Tessier, on petition for confirmation for title to lands against them and the United States of America; and have you then and there this writ.

[SEAL.]

In testimony whereof, Benjamin Johnson, Esq., judge of our said court, has caused the seal thereof to be hereunto affixed, this 26th day of August, A. D. 1846, and in the 71st year of our Independence.

Attest:

WM. FIELD, *Clerk.*
By D. W. CARROLL, *D. C.*

Return.

I executed the within summons on the within named Horace F. Walworth, and Mary B. Miles, and James B. Miles, by leaving a true copy of the summons and petition at each of their respective places of residence, with a white person over the age of fifteen years, on the 18th day of Sept., 1846, in the County of Chicot, in the District of Arkansas.

Service on three, 2 each, - - - - -	$6 00
Cr. mileage, 320 miles, at 5c, - - - - -	16 00
	$22 00

E. RECTOR, *U. S. Marshal.*
By S. A. WHITE, *D. M.*

Returned and filed October 8th, 1846.

WM. FIELD, *Clerk.*
By D. W. CARROLL, *D. C.*

And afterwards, to wit, on the 18th Sept., 1846, the following order was had, to wit:

On this day came the said complainants by A. Fowler, their solicitor, and, on motion, file their replication to the answer of the said United States; and process not being served on three of the defendants in this cause, it is ordered by the court that this cause be, and the same is hereby continued and postponed until the second Monday in October next.

Replication of Complainants to answer of U. S.

In the District Court of the United States for the District of Arkansas.

On petition in Chancery, between the heirs at law of Don Carlos de Vilemont, deceased, and others, petitioners, and the United States of America, Horace F. Walworth, Mary B. Miles, and James B. Miles, defendants.

The replication of the said petitioners, to the answer of the said United States, by Samuel H. Hempstead, Esquire, District Attorney.

These *repliants*, saving and reserving to themselves all, and all manner of advantage of exception which may be had and taken to the manifold errors, uncertainties, and insufficiencies of the answer of the said United States by their said attorney, for replication thereunto say, that they do and will aver, maintain, and prove their said *petition* to be true, certain, and sufficient in the law to be answered unto by the said defendants, and that the said answer of the United States is very uncertain, evasive, and insufficient in the law to be replied unto by these *repliants* without that, that any other matter or thing in the said answer contained, material or effectual in the law to be replied unto, and not herein and hereby well and sufficiently replied unto, confessed or avoided, traversed or denied, is true; all which matters these *repliants* are ready to aver, maintain, and prove,

as this honourable court shall direct; and pray, as in and by their said petition they have already prayed.

A. FOWLER,
Solicitor for the petitioners.

Filed September 18th, 1846.

WM. FIELD, *Clerk*,
By D. W. CARROLL, *D. C.*

Bond for Costs.

We, the undersigned, acknowledge ourselves held and firmly bound unto the United States of America, Horace F. Walworth, Mary B. Miles, and James B. Miles, in the sum of two hundred dollars, *conditioned, however*, that whereas a suit is now pending by petition, in the District Court of the United States for the District of Arkansas, for the confirmation of a land claim, in which suit Catharine de Vilemont, Carlos de Vilemont, Ursin de Vilemont, Pedro de Vilemont, Zoë de Vilemont, and James Blaine, her husband, Don Carlos Gibson, Cecilia Gibson, and Adelia Gibson, by Catharine de Vilemont, their guardian; Louis de Vilemont, Armantine Mercier, and Pierre Soule, her husband, Adela Mercier, and Louis T. Caire, her husband; and Armand Mercier, Alfred Mercier, Auguste Mercier, by his tutor and tutrix, Didier Dreux, and Leontine Bolegny, his wife; and Charles Tessier, and Louis Janin, are petitioners, and the said United States, Horace F., Mary B., and James B., are defendants. *Now*, if we shall well and truly pay all costs and charges which have accrued, and which may accrue therein and thereon, in prosecuting the same to a final decree, then this obligation shall be void; otherwise, remain in full force and effect.

Witness our hands this 19th day of Sept., A. D. 1846.

JNO. A. CRAIG, [SEAL.]
THOS. H. RIVES, [SEAL.]

Filed, October 3d, 1846.

WM. FIELD, *Clerk*,
By D. W. CARROLL, *D. C.*

And afterwards, to wit, on the 12th October, 1846, the following order was had, to wit:

On this day comes the said United States, by S. H. Hempstead, Esquire, District Attorney, and, on motion, and it appearing to the court that the bond filed in this cause is not of sufficient amount to cover all the costs which may probably accrue in this cause, it is ordered by the court that the said complainants file an additional bond for costs, in the sum of six hundred dollars, on or before the first day of the next term of this court.

And afterwards, to wit, on the 26th October, 1846, the following order was had, to wit:

On this day came the said defendants, Walworth, Mary B., and James B. Miles, by their solicitors, Pike, and Baldwin, and, on motion, file their answer by consent, without oath, to the *petition* of the said complainants.

Answer.

The joint and several answers of Horace F. Walworth, Mary B. Miles, and James B. Miles, to the petition of Catharine de Vilemont and others, claiming, under Don Carlos de Vilemont, in the U. S. District Court for Arkansas, against the respondents and the United States exhibited.

These respondents, saving and reserving all and all manner of benefit and advantage of exception to the many errors, mistakes, insufficiencies, and uncertainties in said petition contained, for answer to such parts thereof as are material, say,

That the petitioners are not, nor are any of them either heirs, grantees, or other legal representatives of said Don Carlos, and have no right or authority to present themselves in this court as claiming by, through, or under the said Don Carlos.

That it is not true that the Baron of Carondelet, on the 17th June, 1795, or at any other time, ever granted to the late Don Carlos de Vilemont, the tract of land lying on the bank of the Missi. River, now known as Point Chicot, or any part or portion thereof. That these respondents have seen in the printed report of a committee of Congress, what is there put forth as a copy of the original concession or grant from Carondelet to Vilemont, and which these respondents are informed and believe is the same of which a confirmation is in this cause sought; but it is not true that said grant was for land on the right bank of the Mississippi River, but the place is therein so indefinitely spoken of as to render it impossible to tell on which bank of said river it was expected to act. That it is a mathematical impossibility to locate upon Point Chicot a tract of land which shall be two leagues front on the river and one league in depth, to be comprised within parallel lines.

They also deny that said alleged grant was genuine—that the terms and conditions thereof were never performed by Don Carlos de Vilemont according to their true intent and meaning; or that anything was done by him equivalent to such performance, or that there was, or is, any valid excuse for the non-performance thereof.

That it is not true that Don Carlos, on the 16th January, A.D. 1811, sold and conveyed any part of said grant to said Charles Tessier.

They admit that the said Don Carlos departed this life in the year 1823, but they expressly deny that the petitioners, De Vilemont, are his lawful issue; and they further deny, in the most pointed manner, that said Don Carlos had any interest in said lands transmissible to heirs. They also, further responding, deny that said Charles Tessier, on

the 8th May, 1815, or at any other time, sold any portion of said grant of the lands purporting to be thereby affected, to the said John Mercier, or to any other person, and deny that the petitioners claiming through or under him have any title or right so to claim.

These respondents admit it to be true that the recorder of land titles for Missouri Territory reported adversely to the claim now set up, "because the conditions of the grant had not been complied with." They also admit that some of the conditions upon which the grant was to be based were, that the usual road and regular clearing should peremptorily be made within one year from 17 June, 1795, and that, if the land was not *established* within three years from 17 June, 1795, the concession was void.

They further deny, (having no positive personal knowledge thereof,) that said conditions were literally the same as ordinarily contained in orders of survey: and they most expressly and positively deny that said conditions were mere form and not insisted upon, but positively aver the truth to be, that the conditions mentioned in the grant in question here, were inflexible and "*peremptory*," and could only be dispensed with by the same authority or one of equal grade with that which first attempted the grant: and they also deny that such orders were private property, or that the United States, as the successor of Spain, are bound or of right ought to be bound to confirm said alleged concession. That as to the argument attempted in said petition, that said conditions would be dispensed with in the case of Don Carlos, because of his being stationed at his post of duty from 1794 to 1802, these respondents can only answer that if said conditions were intended to have been dispensed with, they would not have been expressed in the concession in such "*peremptory*" terms; that the words used are of the most plain and significant import, and not to be misunderstood. They further deny that there was any obstacle to the settlement of said land within the stipulations of the concession, which could or ought to have hindered any one really desirous of locating there from so doing.

That it may be true that said Don Carlos endeavoured to procure persons to settle on said land, but they deny that he failed so to procure from the fear of Indian hostilities, unless, perhaps, he may have attempted to hire the indolent half-breeds, or others, to whom no sufficient inducements were held out to cause them to leave their neighbours and friends to seclude themselves in a cane-brake; and they again deny that there was any sufficient or valid reason or excuse for not settling upon said lands in accordance with the required conditions, and aver that the said Don Carlos did abandon, not only said claim, but also the country, and absolutely removed into Florida territory, then belonging to Spain. That it is true that the Board of Commissioners did, in 1834, report in favour of confirming said claim, as also many others, and it is as true that Congress, after investigation, refused to affirm their decision. These respondents deny

that said claim is valid according to the laws of Spain or the laws of the United States, and therefore ought not to be confirmed.

These respondents expressly deny that they took possession in violation of the rights of any person whomsoever, but aver that they are in possession under purchase from sundry persons who acquired redemption rights under the laws of the United States, and by purchase direct from the United States; and that the possession of these respondents has been acquired in good faith, and under the firm belief and conviction that the claim set up by complainants has no foundation either in law or equity.

And having fully answered, these respondents pray that they may be hence discharged with their reasonable costs and charges, and that said claim may not be confirmed, &c., &c.

H. F. WALWORTH,
MARY B. MILES,
JAMES B. MILES.
PIKE & BALDWIN, *Solicitors.*
RURGO & TRAPNALL, *Solicitors for Mary B. Miles and James B. Miles, Defendants.*

Filed October 20th, 1846.

WM. FIELD, *Clerk.*
By D. W. CARROLL, *D. C.*

And afterwards, to wit, on the 27th October, 1846, the following order was had, to wit:

On this day came the said parties, by their solicitor, and on motion, it is ordered, that the answer of the said defendants, Walworth, Mary B. and James B. Miles, be taken as merely a denial of the allegations set forth in said petition, and not to have the same effect as if it were sworn to; to which answer the said complainants enter their replication in short on the record by consent; and thereupon the said defendants in like manner enter a joinder.

And afterwards, to wit, on the 28th October, 1846, the following order was had, to wit:

On this day came the said parties, by their solicitors, and on motion, and by consent of parties, it is ordered by the court that N. R. Jennings and A. B. Cenas, or either of them, of New Orleans, Louisiana; C. G. McHattan, of Baton Rouge, Louisiana; Johnson Chapman, of Columbia, Chicot county, Arkansas; Terence Farrelly, of Arkansas county, Arkansas; Thomas S. James, of Jefferson county, Arkansas; James H. Lucas and John Ruland, St. Louis, or either of them, be, and they are each respectively appointed commissioners to take testimony in this cause, to be read on the final hearing of the same.

Additional Bond for Costs.

Know all men by these presents, that we, John A. Craig and

Thomas H. Reaves, are held and firmly bound unto the United States of America in the penal sum of six hundred dollars, for the payment whereof, well and truly to be made, we bind ourselves and each of our heirs, executors and administrators, firmly by these presents. Sealed with our seals and dated this twenty-third day of January, 1847 (1847.)

Whereas, on the 16th day of June, 1846, the heirs and legal representatives of Catharine de Villemont and others, filed their petition in the District Court of the United States for the district of Arkansas, for the adjudication of unconfirmed French and Spanish land claims against the United States of America and others, to obtain the confirmation of a certain Spanish land claim, in said petition set forth.

Now, the condition of the above obligation is such, that if the said John A. Craig and Thomas H. Reaves shall well and truly pay to the officers *and* respectively entitled thereto, all the costs and charges which have accrued and may hereafter accrue in said suit or petition, and for which the said petitioners may be liable, then the above obligation to be void, otherwise to remain in full force and virtue.

JNO. A. CRAIG, [SEAL.]
THOS. H. RIVES, [SEAL.]

Filed February 9th, 1847.

WM. FIELD, *Clerk.*
By D. W. CARRALL, *D. C.*

And afterwards, to wit, on the 6th day of April, 1847, the following order was had, to wit:

And now at this day comes the said defendant, Horace F. Walworth, by Pike & Baldwin, his solicitors, and on motion of the said defendant, with the consent of the District Attorney, it is ordered by the Court that James Harlan, Esq., of the city of Frankfort, in the state of Kentucky, be, and he is hereby, appointed a commissioner to take testimony in this cause.

And on the same day, the following order was had, to wit:

The death of James Blaine is suggested of record, and admitted, and on motion of complainants' counsel, the case is ordered by the Court to proceed in the names of the present complainants.

And afterwards, to wit: on the 10th April, 1847, the following order was had, to wit:

At this day came the said United States, by Samuel H. Hempstead, Esq., District Attorney, and on motion, files a notice to the said complainants in this cause, which is noted of record.

Notice.

The Heirs of Don Carlos de Villemont vs. The United States, and Others. } No. 6. } District Court of Arkansas, for the adjudication of Land Claims.

The said petitioners will please take notice, that on behalf of the

United States, I shall insist upon a trial and final disposition of this cause, at the next term of this Court.

S. H. HEMPSTEAD,
U. S. Atty. for Arkansas.

Filed, April 10th, 1847.

WM. FIELD, *Clerk.*
By A. H. RUTHERFORD, *D. C.*

And afterwards, to wit: on the 22d June, 1847, the following order was had in this cause, to wit:

At this day came the said parties by their attorneys, and the said complainants file their motion, and move the Court for a continuance of this cause. It is therefore ordered by the Court, that this cause be, and the same is hereby continued until the next term of this Court.

Motion.

In the District Court of the United States for the Arkansas District, for the adjudication of Land Claims. June, A. D. 1847.

The Heirs and Legal Representatives of Don Carlos de Vilemont
vs.
The United States, and Others.
} Chancery.

Absalom Fowler, as the attorney and agent for the plaintiffs in said case, states, that some time since (precise date not now recollected), and in time for depositions to be taken and returned in this cause by the present term, he enclosed to his co-agent at New Orleans, Louis Janin, Esq., a commission and interrogatories, for taking the deposition of Louis Boligny and others, whom, he is informed, reside in the State of Louisiana, and that their evidence is material to the plaintiffs in said cause; that he sent, with said commission, some original papers and deeds, and the original correspondence between the said Don Carlos and the Baron de Carondelet relative to said concession of land, and the rights of the plaintiffs thereto; and that he had previously sent to the said Janin the original request for and the concession of the said land in controversy, to have the handwriting and signatures of said Don Carlos and the Baron de Carondelet proved by the said Boligny and others, under said commission; and he believes, that the same can be proved fully by the said Boligny, as he has seen an affidavit of his, taken ex parte, proving said signatures; that said Janin acknowledged by letter the receipt of said commission, original papers, &c., but the depositions and papers have not yet been received, and plaintiffs cannot safely go into trial without them.

A. FOWLER.

Filed, June 22d, 1847.

WM. FIELD, *Clerk.*
By A. H. RUTHERFORD, *D. C.*

Thomas H. Reaves, are held and firmly bound unto the United States of America in the penal sum of six hundred dollars, for the payment whereof, well and truly to be made, we bind ourselves and each of our heirs, executors and administrators, firmly by these presents. Sealed with our seals and dated this twenty-third day of January, 1847 (1847.)

Whereas, on the 16th day of June, 1846, the heirs and legal representatives of Catharine de Villemont and others, filed their petition in the District Court of the United States for the district of Arkansas, for the adjudication of unconfirmed French and Spanish land claims against the United States of America and others, to obtain the confirmation of a certain Spanish land claim, in said petition set forth.

Now, the condition of the above obligation is such, that if the said John A. Craig and Thomas H. Reaves shall well and truly pay to the officers *and* respectively entitled thereto, all the costs and charges which have accrued and may hereafter accrue in said suit or petition, and for which the said petitioners may be liable, then the above obligation to be void, otherwise to remain in full force and virtue.

JNO. A. CRAIG, [SEAL.]
THOS. H. RIVES, [SEAL.]

Filed February 9th, 1847.

WM. FIELD, *Clerk.*
By D. W. CARRALL, *D. C.*

And afterwards, to wit, on the 6th day of April, 1847, the following order was had, to wit:

And now at this day comes the said defendant, Horace F. Walworth, by Pike & Baldwin, his solicitors, and on motion of the said defendant, with the consent of the District Attorney, it is ordered by the Court that James Harlan, Esq., of the city of Frankfort, in the state of Kentucky, be, and he is hereby, appointed a commissioner to take testimony in this cause.

And on the same day, the following order was had, to wit:

The death of James Blaine is suggested of record, and admitted, and on motion of complainants' counsel, the case is ordered by the Court to proceed in the names of the present complainants.

And afterwards, to wit: on the 10th April, 1847, the following order was had, to wit:

At this day came the said United States, by Samuel H. Hempstead, Esq., District Attorney, and on motion, files a notice to the said complainants in this cause, which is noted of record.

Notice.

The Heirs of Don Carlos de Villemont vs. The United States, and Others. } District Court of Arkansas, No. 6. } for the adjudication of Land Claims.

The said petitioners will please take notice, that on behalf of the

United States, I shall insist upon a trial and final disposition of this cause, at the next term of this Court.

S. H. HEMPSTEAD,
U. S. Atty. for Arkansas.

Filed, April 10th, 1847.

WM. FIELD, *Clerk.*
By A. H. RUTHERFORD, *D. C.*

And afterwards, to wit: on the 22d June, 1847, the following order was had in this cause, to wit:

At this day came the said parties by their attorneys, and the said complainants file their motion, and move the Court for a continuance of this cause. It is therefore ordered by the Court, that this cause be, and the same is hereby continued until the next term of this Court.

Motion.

In the District Court of the United States for the Arkansas District, for the adjudication of Land Claims. June, A. D. 1847.

The Heirs and Legal Representatives of Don Carlos de Vilemont
vs.
The United States, and Others.
} Chancery.

Absalom Fowler, as the attorney and agent for the plaintiffs in said case, states, that some time since (precise date not now recollected), and in time for depositions to be taken and returned in this cause by the present term, he enclosed to his co-agent at New Orleans, Louis Janin, Esq., a commission and interrogatories, for taking the deposition of Louis Boligny and others, whom, he is informed, reside in the State of Louisiana, and that their evidence is material to the plaintiffs in said cause; that he sent, with said commission, some original papers and deeds, and the original correspondence between the said Don Carlos and the Baron de Carondelet relative to said concession of land, and the rights of the plaintiffs thereto; and that he had previously sent to the said Janin the original request for and the concession of the said land in controversy, to have the handwriting and signatures of said Don Carlos and the Baron de Carondelet proved by the said Boligny and others, under said commission; and he believes, that the same can be proved fully by the said Boligny, as he has seen an affidavit of his, taken ex parte, proving said signatures; that said Janin acknowledged by letter the receipt of said commission, original papers, &c., but the depositions and papers have not yet been received, and plaintiffs cannot safely go into trial without them.

A. FOWLER.

Filed, June 22d, 1847.

WM. FIELD, *Clerk.*
By A. H. RUTHERFORD, *D. C.*

And afterwards, to wit: on the 13th September, 1847, the following order was had, to wit:

This day came the parties aforesaid by their solicitors, and the said complainants filed in writing their motion and causes for a continuance of this cause, which motion was sustained by the Court. It is therefore ordered, that this cause be, and the same is hereby continued until the next term of this Court.

Motion.

In the District Court of the United States for the District of Arkansas, for the adjudication of Land Claims, &c. September the 13th, 1847.

The Heirs and Legal Representatives of Don Carlos de Vilemont, dec'd,
vs.
The United States, and Others, defendants. } Chancery.

The plaintiffs by their attorney move for a continuance of this cause, and Absalom Fowler, their attorney for that purpose, makes the following statement, in addition to the statement filed by him on the 22d of June last, which statement then made he makes a part of this statement, with the following addition thereto, to wit: that he has received from his co-agent and co-attorney in this suit, Louis Janin, Esq., of the City of New Orleans, a letter, bearing date on the third instant, which appears to have been mailed on the same day, expressing his regrets that he had not been able to take the necessary depositions in this case, upon the commission and interrogatories sent to him, previous to the last continuance, on account of his own necessary and previously unexpected absence on urgent business from that city; and because H. B. Cenas, one of the commissioners named to take such depositions, left that city, several months ago, in ill health, and had not returned; and that N. R. Jennings, the other commissioner named in said commission, who had left that city some time since, and was expected, and himself expected to return in ample time for the taking of such depositions, has been kept at a distance therefrom, and prevented from returning thereto, and has not yet returned thereto, on account of the yellow fever, which has been for some time raging there, as an epidemic, to an unprecedented extent, so that it has been impossible to take such depositions; and without which, the said plaintiffs cannot go safely to trial, but would prejudice not only, but postpone or lose their rights, by going into a trial at this time.

A. FOWLER.

Filed, 13th Sept., 1847.

WM. FIELD, *Clerk.*

And afterwards, to wit: on the 5th April, 1848, the following order was had, to wit:

Now, at this day, come the said complainants by their solicitors, and on their motion, it is ordered, that they have, and leave is hereby granted unto them to open and publish their depositions in this case, and they are opened and published accordingly.

Walworth's Notice of Filing Interrogatories.

To Catharine de Vilemont, Carlos de Vilemont, Jr., Ursin de Vilemont, James Blaine and Zoe de Vilemont, Louis de Vilemont, Pedro de Vilemont, Don Carlos Gibson, Cecilia Gibson, Adelia Gibson, minors, by their guardian and next friend, the said Catharine, Charles Tessier, Louis Janin, Pierre Soule and Armantine Mercier his wife, Louis T. Caire and Adele Mercier his wife, Armand Mercier, Alfred Mercier, Didier Dreux and Leontine Boligny his wife, Auguste Mercier, a minor, by his tutors and guardians, said Dreux and wife, and to Absalom Fowler, Esq., your solicitor of record: please take notice, that in the certain cause, in the District Court of the United States for the Arkansas District, in which you are petitioners and complainants, and the United States of America, Mary B. and James B. Miles and myself are defendants, I have filed certain interrogatories in the Clerk's office, to be propounded to witnesses, upon which I shall take out a commission, to examine those witnesses, in ten days after the service of this notice; previous to which, you can file cross-interrogatories, if you desire so to do.

Very respectfully, yours, &c.

HORACE F. WALWORTH, *Defendant.*

Dated, 4th March, 1847.

PIKE & BALDWIN, *Solicitors.*

A copy of the within notice was handed me, as counsel for the complainants within named. 5th March, 1847.

A. FOWLER,
Soliciter for Complainants.

Filed April 3d, 1847.

WM. FIELD, *Clerk.*
By A. H. RUTHERFORD, *D. C.*

Commission.

THE UNITED STATES OF AMERICA,
District of Arkansas.

Pleas had on the 6th day of April, A. D. 1847, before the Honourable Benjamin Johnson, Judge of the United States District Court, for the adjudication of unconfirmed French and Land Claims, in the District of Arkansas, in the cause following, to wit:

HEIRS OF DON CARLOS DE VILEMONT, Complainants on Petition,
vs.
THE UNITED STATES, HORACE F. WALWORTH, et al., Defendants.

And now, at this day, comes the said defendant, Horace F. Walworth, by Pike and Baldwin, his solicitors, and, on motion of the said defendant, with the consent of the District Attorney, it is ordered by the Court that James Harlan, Esq., of the City of Frankfort in the State of Kentucky, be and he is hereby appointed a commissioner to take testimony in this cause.

I, William Field, Clerk of the District Court of the United States for the District of Arkansas aforesaid, do hereby certify that the above and foregoing order is a true copy from the record in my office.

Witness my hand and the seal of said District
[SEAL.] Court, this 6th day of April, A. D. 1847.
WM. FIELD, *Clerk.*
By A. H. RUTHERFORD, *D. C.*

THE UNITED STATES OF AMERICA,
District of Arkansas.

The President of the United States, to James Harlan, Esq., Commissioner, &c., greeting:

You are hereby required to come before you all witnesses, and them diligently examine, on the foregoing and annexed interrogatories, on the part of said complainants, as well as of said defendants, in a certain cause now depending on the chancery side of said District Court, in which the heirs of Don Carlos De Villemont are complainants, and the said United States, Horace F. Walworth, et al., are defendants, and that you then and there examine them, on their corporeal oaths first taken before you on the Holy Evangelists, upon the interrogatories aforesaid; and that you reduce their examinations to writing; and when you shall have so taken them, that you send the same, with this dedemus, closed up under your seal to our said District Court, at the City of Little Rock, without delay.

In testimony whereof, Benjamin Johnson, Judge
of our said Court, has caused the seal of said
[SEAL.] District Court to be hereto affixed, this 6th
day of April, A. D. 1847, and of the 71st
year of American Independence.
WM. FIELD, *Clerk.*
By A. H. RUTHERFORD, *D. C.*

Interrogatories to be propounded to witnesses to be produced, sworn, and examined in a certain cause, now depending and in issue in the District Court of the United States for Arkansas District, wherein Catharine De Vilemont, Carlos De Vilemont, Jr., Ursin De Vilemont, James Blaine, and Zoe De Vilemont, his wife, Louis De Vile-

mont, Pedro De Vilemont, Don Carlos Gibson, Cecilia Gibson, and Adelia Gibson, minors, by their guardian and next friend, the said Catharine, Charles Tessier, Louis Janin, Pierre Soule, and Amantine Mercier, his wife, Louis F. Caire, and Adele Mercier, his wife, Armand Mercier, Alfred Mercier, Didier Dreux, and Leontine Boligny, and Auguste Mercier, by his tutors and guardians, said Dreux and wife, are petitioners and complainants, and the United States of America, Horace F. Walworth, Mary B. Miles, and James B. Miles, are defendants, on the part of the defendant, Walworth.

1st Interrogatory.—Do you know the parties complainant and defendants in the title of those interrogatories named, or any or either of them, and how long have you known them, or such of them as you do know respectively? Declare the truth and the utmost of your knowledge, remembrance, and belief herein.

2d Interrogatory. Did you personally know the late Carlos De Vilemont (usually styled Civil and Military Commandant of Arkansas, under the Spanish Government); and do you know where he resided between the years 1795 and 1823? Declare the truth of the several matters inquired after in this interrogatory, and particularly state at what places he did reside, and how long he remained at each, and what occupation he pursued, to the best and utmost of your knowledge, remembrance, and belief.

3d Interrogatory. Have you any personal knowledge of the point of land on the right bank of the Mississippi river, commonly known as "Point Chicot," or "Sheko Point?" How long have you known the same? When and by whom was it settled? To what extent was it improved? Who has resided there since your acquaintance with it? How long did they reside there? And to what extent has the bank caved or washed in? And at what point or place has it so washed or caved? Declare the truth of the several matters in this interrogatory inquired of to the best and utmost of your remembrance, knowledge and belief.

4th Interrogatory. Do you know of any other matter, or thing, which may be of benefit or advantage to the parties in this cause, or either of them, or that may be material to the subject of this, your examination, or the matters in question in this cause? If yea, set forth the same particularly in your answer.

PIKE & BALDWIN,
Solicitors for Walworth.

In Chancery.

Interrogatories to be administered for the cross-examination of witnesses to be produced, sworn, and examined on the part of Horace F. Walworth, one of the defendants, in a certain cause now depending and at issue in the District Court of the United States for the District of Arkansas, wherein Catharine De Vilemont, Carlos De Vilemont, Ursin De Vilemont, Pedro De Vilemont, Zoe De Vilemont,

and her husband, James Blaine, Don Carlos Gibson, Cecelia Gibson, and Adelia Gibson, by their guardian, the said Catharine, Louis De Vilemont, Pierre Soule, and Amantine Mercier, his wife, Louis T. Caire, and Adelia Mercier, his wife, Armand Mercier and Alfred Mercier, Auguste Mercier, a minor, by his guardians and tutors, Didier Dreux, and Leontine Boligny, his wife, and Charles Tessier, Louis Janin are complainants and petitioners, and the United States of America, the said Horace F. and Mary B. Miles, and James B. Miles, are defendants on the part and in behalf of the said complainants.

1st Cross-interrogatory. Do you not know that the said Carlos De Vilemont, now deceased, was military commandant at the Post of Arkansas, under the Spanish Government, from the beginning of the year 1795 until the close of the year 1802, and during that entire period he never left the vicinity of his post, and was the only officer at that post? Declare the whole truth, and to the utmost of your knowledge, information, and belief herein.

2d Cross-interrogatory. Do you not know that the said Don Carlos De Vilemont, in the year 1809, and in the years 1819, 1820, 1821, 1822, 1823, and until his death, in the year 1824, and at several other periods between the said years 1795 and 1823, resided at Point Chicot, on the western bank of the Mississippi river, and that his family, including his widow, the said Catharine De Vilemont, and others, his children, at part of the said complainants, from a period long before his death to the present time, have resided continuously at the same place, at Point Chicot? And was, and is not such residence upon the lands claimed by *him* and his *family*, under a concession from the Baron de Carondelet, Governor of Louisiana under the Spanish Government? Declare the whole truth, and to the utmost of your knowledge, information, and belief herein.

3d Cross-interrogatory. Do you not know, that the said point of land, called Point Chicot, was first settled and improved about forty years ago, or upwards, by men of the name of Malbrone, Hutsell, Moore, and Lefevre, as tenants under, and sent there by, the said Don Carlos de Vilemont? And do you not know that Benjamin L. Miles, (the husband of the said defendant, Mary B., and father of the said defendant, James B.), settled there about the year 1816 or 1817, and the said Walworth, about the year 1828, and that the said Benjamin L. Miles, and Horace F. Walworth, at the time they respectively settled there, and before they purchased any real or pretended interests in the land there, well knew that the said Don Carlos claimed the *whole of the land* on Point Chicot, as his, under the said concession from the Spanish governor or government? Declare the whole truth, and, to the utmost of your knowledge, information and belief herein.

4th Cross-interrogatory. Do you not know of some other matter or thing, touching the matters in controversy between the said parties, in this cause, that may be of benefit or advantage to said parties, or to either of them, or that may be material to the subject of this

your examination, or the matters in question in this cause? If yea, set forth the same fully, and at large, in your answer.

H. FOWLER,
Solicitor for Complainants.

UNITED STATES OF AMERICA,
District of Arkansas.

I, William Field, clerk of the District Court of the United States, within and for the district aforesaid, do hereby certify that the above and foregoing four pages (or two half-sheets), is a true and complete transcript of the interrogatories of the complainants and defendants designated, to accompany the commission aforesaid, to the said James Harlan, Esq., as remains on file in my office.

In testimony whereof, I have hereunto set my hand, as clerk of the said District Court, and hereto affix the seal thereof, at the city of Little Rock, this 6th day of April, A. D., 1847.

[SEAL.] WM. FIELD, *Clerk.*
By A. H. RUTHERFORD, *D. C.*

Deposition of Holton.

The deposition of John A. Holton, taken before James Harlan, commissioner, appointed by the United States District Court, for the adjudication of unconfirmed French and Spanish Land Claims, in the District of Arkansas, on the 20th day of October, in the year 1847, at the office of said Harlan, in Frankfort, Kentucky, to be read as evidence in a certain suit, depending in the above-mentioned court; wherein the Heirs of Don Carlos de Villemont are complainants, and the United States, Horace F. Walworth, et al. are defendants.

The said deponent, being first carefully examined and cautioned, and sworn to tell the whole truth, doth depose and say, in answer to the interrogatories propounded by the defendant Walworth, to wit:

1st Interrogatory. Do you know the parties, complainants and defendants, in the title of these interrogatories named, or any or either of them, and how long have you known them, or such of them as you do know, respectively? Declare the truth, and the utmost of your knowledge, information and belief herein.

The deponent says, he is acquainted with the defendant, Horace F. Walworth, and he was acquainted also, with a man named Benjamin L. Miles, who lived at or near Point Chicot, but he thinks that Miles is now dead. His first acquaintance with Miles was as early as 1821. Is not acquainted with either of the other parties, plaintiffs or defendants.

2d Interrogatory. Did you personally know the late Carlos de Villemont, (usually styled civil and military commandant of Arkansas, under the Spanish government,) and do you know where he resided between the years 1795 and 1823? Declare the truth of the

several matters inquired of in this interrogatory, and particularly state at what places he did reside, and how long he remained at each, and what occupation he pursued, to the best and utmost of your knowledge, remembrance and belief.

To which said second interrogatory, the deponent answers and says: He never had any personal acquaintance with Carlos de Villemont. He has often heard that a man of that name once lived at Point Chicot, on the Mississippi river; but he has no personal knowledge of the fact.

3d Interrogatory. Have you any personal knowledge of the point of land on the right bank of the Mississippi river, commonly known as "Point Chicot," or "Sheko Point?" How long have you known the same? When, and by whom, was it settled? To what extent was it improved? Who has resided there since your acquaintance with it? How long did they reside there; and to what extent has the bank caved in; and at what point or place has it so washed or caved? Declare the truth of the several matters in this interrogatory inquired of, to the best and utmost of your remembrance, knowledge and belief.

To which said third interrogatory the said deponent answers, and says: His first acquaintance at Point Chicot was in the year 1809, but he had been down the river Mississippi to New Orleans, in the year 1808, but does not recollect any thing of Point Chicot until July or August, 1809, when I landed the barge Eliza there, in distress, on account of the sickness of the crew, and remained there twenty-nine days. There was a settlement, or *or* a house built on the bank, I think a log cabin, occupied by a Spaniard named *Marlbrough*, it being the only settlement on the Point, with the exception of one, about a mile lower down the river. I thought it was a very recent settlement, and was confined to a small rail fence around the cabin. I do not know that they raised any thing. It is my impression they did not. It was a small cabin. I thought the Spaniard appeared to live by hunting and trading with boats passing up and down the river. I did not see the settlement said to be about a mile below that of the Spaniard, Marlbrough, but was told by the men on my boat that it was occupied by an Englishman. I understood it was such a settlement as Marlbrough's, and not a plantation or place under cultivation. I have known Point Chicot from the time that I first landed there until the present time. I was many years engaged in navigating the Mississippi river, to and from New Orleans. The upper part of Point Chicot has caved and washed in very much since my first acquaintance with it; but to what extent I am not prepared to say. The defendant, Walworth, and Benj. L. Miles, lived at said point for many years, and until the latter died. Who preceded them in the possession of said place, deponent does not know. Deponent is in the 60th year of his age. His residence is now, and has been from his boyhood, in the county of Franklin,

Kentucky, which is more than one hundred miles from Little Rock, the place of holding said court.

4th Interrogatory. Do you know of any other matter or thing which may be of benefit or advantage to the parties in this cause, or either of them, or that may be material to the subject of this your examination, or the matters in question in this cause? If yea; set forth the same particularly, in your answer.

To which the deponent answers, he knows nothing more which he supposes material or beneficial to either of the parties.

To the cross-interrogatories of the complainants, the said deponent answers, and says:

In answer to the 1st cross-interrogatory, he says, he never had any personal acquaintance with the late Carlos de Vilemont; nor does he know that the said Carlos de Vilemont was ever the military commandant at the post of Arkansas under the Spanish government at any time, except from information.

In answer to the 2d cross-interrogatory, deponent says, he has no personal knowledge that Carlos De Vilemont, his family, or widow, ever resided at Point Chicot, on the western bank of the Mississippi river. Nor does he know, that said Carlos De Vilemont, or his family resided at Point Chicot, under a commission from the Baron De Carondelet, Governor of Louisiana under the Spanish government. These are matters about which the deponent knows nothing, but he has been informed that his widow did live there.

In answer to the 3d cross-interrogatory, the deponent says: He does not know when the point of land known as "Point Chicot" was first settled. All he knows of the first settlement of said place has already been stated by him. A Spaniard named Marlbrough or Marlbroue, was residing on said place, in the summer of 1809, when he landed the Barge Eliza, in distress. He does not know that Marlbrough or Marlbroue was the tenant of said Carlos De Vilemont or of any one else. He never knew any men by the names of Hutsell, Moore or Lefevre. He knew Benjamin L. Miles, but whether he was the husband of the defendant Mary B., and father of the defendant, James B. Miles, the defendant, is entirely ignorant. He does not know when the said Benjamin L. Miles and Horace F. Walworth respectively settled at Point Chicot,—nor does he know under what pretence of title either of them settled there,—nor whether either of them had any knowledge previous to their settlements of the claim of said Carlos De Vilemont.

These are matters about which deponent knows nothing. He became acquainted with said Benjamin L. Miles about the year 1821, and with Horace F. Walworth about the year 1828, to the best of deponent's present recollection.

In answer to the 4th cross-interrogatory, deponent says: he knows nothing more touching the matter in controversy, between the parties in this cause, that may be of any benefit or advantage to said parties,

or either of them, or that is material to the subject of deponent's examination.

JOHN A. HOLTON.

I, James Harlan, Commissioner, appointed by the *the* United States District Court for the adjudication of unconfirmed French and Spanish land claims, in the District of Arkansas, do certify, that in pursuance of the commission issued by said court, and bearing date the 6th of April, A. D. 1847, and hereto annexed, I caused to come before me, at the time and place in the caption stated, the above named John A. Holton, who resides more than one hundred miles from the place of holding said court. I did not cause any notice to be given to the adverse party of the time of taking this deposition, because the said adverse party does not, as I know or believe, reside within one hundred miles of the place of taking the same, nor has said party any agent or attorney known to me, within that distance.—That the said witness was by me carefully examined, cautioned and sworn then and there to testify the whole truth; that the said deposition was wholly reduced to writing by me in the presence of said witness, and that he then and there, in my presence, subscribed the same; that I am not of counsel or attorney for either of the parties, or in any wise interested in the event of the cause.

All of which is certified to said court.

J. HARLAN, *Commr, &c.*

Frankfort, K. October 20th, 1847.

Fee for taking this deposition $10.

Opened, published, and filed 5th April, 1848.

WM. FIELD, *Clerk.*
By JOHN T. TRIGG, *D. C.*

Depositions.

THE UNITED STATES OF AMERICA,
District of Arkansas.

Pleas before the Honourable Benjamin Johnson, Judge of the District Court of the United States, and as such, holding the District Court for the District of Arkansas, for the adjudication of unconfirmed French and Spanish land claims, on the 21st day of April, A. D. 1848, the following proceedings were had, to wit:

The heirs of DON CARLOS DE VILEMONT, Complainants,
vs.
THE UNITED STATES OF AMERICA, HORACE F. WALWORTH, MARY B. MILES, and JAMES B. MILES, Defendants.
} Petition in Chancery.

At this day came the parties by their attorneys, and thereupon, the complainants, solicitors suggested the death of Pedro De Vilemont, one of the complainants in this suit, which was admitted by the Dis-

trict Attorney, whereupon it is ordered that this suit be, and the same is hereby abated as to the said Pedro De Vilemont, dec'd.

And on motion of said complainants, and by consent of parties, it is ordered that Mark Mitchell, of the Post of Arkansas, in the District of Arkansas, be and he is hereby appointed a Commissioner in Chancery of this Court, to take the depositions of witnesses, upon interrogatories to be filed herein, to be read as evidence on the hearing of this cause.

I, William Field, Clerk of the District Court of the United States, in and for the District of Arkansas, do hereby certify, that the above and foregoing order is truly copied from the records of said Court, now in my office.

In testimony whereof, I have hereunto set my hand as Clerk, and affixed the seal of said Court, this 25th day of April, A. D. 1848, and the 72d year of American Independence.

[SEAL.]

Attest: WM. FIELD, *Clerk.*
By JOHN T. TRIGG, *D. C.*

The President of the United States, to Mark Mitchell, Commissioner, &c. greeting.

THE UNITED STATES OF AMERICA,
District of Arkansas.

You are hereby commanded to cause to come before you Joseph Bogy, and all other witnesses whatsoever, and them diligently examine on the annexed interrogatories and cross-interrogatories, on the part of the complainants, the heirs of Don Carlos De Vilemont, as well as of said defendants, the United States of America, Horace F. Walworth, Mary B. Miles, and James B. Miles, in a certain cause now depending in our said District Court, on the Chancery side thereof, in which the heirs of Don Carlos De Vilemont are complainants, and the United States of America, Horace F. Walworth, Mary B. Miles, and James B. Miles are defendants; and that you then and there examine them upon their several coporeal oaths, first taken before you on the Holy Evangelists, upon the interrogatories and cross-interrogatories aforesaid, and that you reduce their examinations to writing; and when you have so taken them, that you send the same with this commission, closed up under your seal, to our said District Court, at the City of Little Rock, without delay.

In testimony whereof, Benjamin Johnson, Judge of our said Court, hath caused the seal thereof to be hereunto affixed, this 25th day of April, A. D. 1848, and the 72d year of American Independence.

[SEAL.]

Attest: WM. FIELD, *Clerk.*
By JOHN T. TRIGG, *D. C.*

THE UNITED STATES OF AMERICA.

In the District Court of the United States, for the District of Arkansas, April Term, 1848.

Interrogatories to be administered to Joseph Bogy and others, wit-

nesses to be produced, sworn, and examined, in a cause now pending and at issue, in the District Court of the United States, for the District of Arkansas, for the adjudication of French and Spanish land claims, wherein Catharine De Vilemont, Carlos De Vilemont, Ursin De Vilemont, Zoe De Vilemont, widow of James Blaine, Louis De Vilemont, and Don Carlos Gibson, Cecilia Gibson, and Adelia Gibson, minors, by their guardian and next friend, the said Catharine, Charles Tessier, Louis Janin, Pierre Soule, and Armantine Mercier, his wife; Louis T. Caire, and Adele Mercier his wife, Armand Mercier, Alfred Mercier, Didier Dreux and Leontine Boligny his wife, and Auguste Mercier, a minor, by his tutors and guardians, said Dreux and wife, are petitioners and plaintiffs, and the United States of America, Horace F. Walworth, Mary B. Miles, and James B. Miles, are defendants, on the part of said petitioners.

1st Interrogatory. Do you know the said parties, complainants and defendants in the above title named, or any, or either of them, and how long have you known them? Declare the truth, and your utmost knowledge, remembrance, and belief herein.

2d Interrogatory. Did you know the late Don Carlos de Vilemont, who was Spanish commandant, at the post of Arkansas, in the years 1794, 1795, and subsequently for several years, and, if so, during what years and period was he such commandant there; and where, and when did he die? Declare the truth, and your utmost knowledge, remembrance, and belief herein.

3d Interrogatory. Do you know whether any of the above named petitioners are related, by blood or marriage, with, or to, the said Don Carlos de Vilemont, former commandant as aforesaid; and, if so, which ones of them, and what relationship do they respectively bear to the said Don Carlos de Vilemont, deceased? Declare the truth, and your utmost knowledge, remembrance, and belief herein.

4th Interrogatory. Do you know any thing about a concession, for two leagues of land, made by the Baron de Carondelet, Spanish Governor of Louisiana, to the said Don Carlos, now deceased, in the year 1795, lying at and below Point Chicot, on the Mississippi River, in the now State of Arkansas? Declare the whole truth, and the best of your knowledge, information, and belief herein.

5th Interrogatory. Do you know whether or not, the said Don Carlos, in the year 1795, or 1796, or at any other time, commenced opening the road mentioned in said concession, to said concession of land at Point Chicot, and, if so, *when* was it; and, what prevented him from completing said road; and, whether, or not, he was prevented by the hostility of the Indians? Declare the whole truth, and the best of your knowledge, information, and belief herein.

6th Interrogatory. Was the said Don Carlos, deceased, in his lifetime, married or not, and, if he was, did his wife and children, or any of them, survive him, and, if so, which ones of them are now living, and what are their names, and, if any of his children died

leaving issue, what are their names? Declare the whole truth, and to the best of your knowledge, information, and belief herein.

7th and last Interrogatory. Do you know, or can you set forth, any other matter or thing which may be a benefit or advantage to the parties at issue in this cause, or either of them, or that may be material to the subject of this, your examination, or the matters in question in this cause? If yea, set forth the same fully and at large in your answer.

A. FOWLER,
Solicitor for Petitioners, &c.

Filed, 24th April, 1848.

WM. FIELD, *Clerk.*
By JNO. T. TRIGG, *D. C.*

In Chancery.

Cross-interrogatories to be propounded to Joseph Bogy, in behalf of the United States.

1st Cross-interrogatory. When did you first come to Arkansas, and how old were you then, and how old are you now? And where did you live?

2d Cross-interrogatory. Do you know anything about the concession alluded to in the 4th Interrogatory of your own knowledge, and do you know, of your own knowledge, that such a concession ever existed? Did you ever see it? Declare the truth, of your own knowledge? And, when you state things, be particular to declare and distinguish between matters of your own knowledge, and information which you have derived from others.

3d Cross-interrogatory. Where were you in 1795, and in 1796, and from 1796 up to 1803 and 1804, and what means had you of personally knowing anything about the matters inquired in the 5th Interrogatory? Please answer fully and particularly.

4th Cross-interrogatory. Were not the Indians as hostile, in 1795, as they were at any subsequent time between said period and, say 1800? And, how hostile were the Indians at any of those periods? And, do you know, of your own knowledge, that said Don Carlos commenced opening the road alluded to in the 5th Interrogatory, or that he opened any road, or attempted to open any road whatever?

S. H. HEMPSTEAD,
For the United States.

Filed, 24th April, 1848.

WM. FIELD, *Clerk.*
By JOHN T. TRIGG, *D. C.*

District of Arkansas, sct.

I, William Field, Clerk of the District Court of the United States for the District of Arkansas, do hereby certify, that the foregoing In-

nesses to be produced, sworn, and examined, in a cause now pending and at issue, in the District Court of the United States, for the District of Arkansas, for the adjudication of French and Spanish land claims, wherein Catharine De Vilemont, Carlos De Vilemont, Ursin De Vilemont, Zoe De Vilemont, widow of James Blaine, Louis De Vilemont, and Don Carlos Gibson, Cecilia Gibson, and Adelia Gibson, minors, by their guardian and next friend, the said Catharine, Charles Tessier, Louis Janin, Pierre Soule, and Armantine Mercier, his wife; Louis T. Caire, and Adele Mercier his wife, Armand Mercier, Alfred Mercier, Didier Dreux and Leontine Boligny his wife, and Auguste Mercier, a minor, by his tutors and guardians, said Dreux and wife, are petitioners and plaintiffs, and the United States of America, Horace F. Walworth, Mary B. Miles, and James B. Miles, are defendants, on the part of said petitioners.

1st Interrogatory. Do you know the said parties, complainants and defendants in the above title named, or any, or either of them, and how long have you known them? Declare the truth, and your utmost knowledge, remembrance, and belief herein.

2d Interrogatory. Did you know the late Don Carlos de Vilemont, who was Spanish commandant, at the post of Arkansas, in the years 1794, 1795, and subsequently for several years, and, if so, during what years and period was he such commandant there; and where, and when did he die? Declare the truth, and your utmost knowledge, remembrance, and belief herein.

3d Interrogatory. Do you know whether any of the above named petitioners are related, by blood or marriage, with, or to, the said Don Carlos de Vilemont, former commandant as aforesaid; and, if so, which ones of them, and what relationship do they respectively bear to the said Don Carlos de Vilemont, deceased? Declare the truth, and your utmost knowledge, remembrance, and belief herein.

4th Interrogatory. Do you know any thing about a concession, for two leagues of land, made by the Baron de Carondelet, Spanish Governor of Louisiana, to the said Don Carlos, now deceased, in the year 1795, lying at and below Point Chicot, on the Mississippi River, in the now State of Arkansas? Declare the whole truth, and the best of your knowledge, information, and belief herein.

5th Interrogatory. Do you know whether or not, the said Don Carlos, in the year 1795, or 1796, or at any other time, commenced opening the road mentioned in said concession, to said concession of land at Point Chicot, and, if so, *when* was it; and, what prevented him from completing said road; and, whether, or not, he was prevented by the hostility of the Indians? Declare the whole truth, and the best of your knowledge, information, and belief herein.

6th Interrogatory. Was the said Don Carlos, deceased, in his lifetime, married or not, and, if he was, did his wife and children, or any of them, survive him, and, if so, which ones of them are now living, and what are their names, and, if any of his children died

leaving issue, what are their names? Declare the whole truth, and to the best of your knowledge, information, and belief herein.

7th and last Interrogatory. Do you know, or can you set forth, any other matter or thing which may be a benefit or advantage to the parties at issue in this cause, or either of them, or that may be material to the subject of this, your examination, or the matters in question in this cause? If yea, set forth the same fully and at large in your answer.

A. FOWLER,
Solicitor for Petitioners, &c.

Filed, 24th April, 1848.

WM. FIELD, *Clerk.*
By JNO. T. TRIGG, *D. C.*

In Chancery.

Cross-interrogatories to be propounded to Joseph Bogy, in behalf of the United States.

1st Cross-interrogatory. When did you first come to Arkansas, and how old were you then, and how old are you now? And where did you live?

2d Cross-interrogatory. Do you know anything about the concession alluded to in the 4th Interrogatory of your own knowledge, and do you know, of your own knowledge, that such a concession ever existed? Did you ever see it? Declare the truth, of your own knowledge? And, when you state things, be particular to declare and distinguish between matters of your own knowledge, and information which you have derived from others.

3d Cross-interrogatory. Where were you in 1795, and in 1796, and from 1796 up to 1803 and 1804, and what means had you of personally knowing anything about the matters inquired in the 5th Interrogatory? Please answer fully and particularly.

4th Cross-interrogatory. Were not the Indians as hostile, in 1795, as they were at any subsequent time between said period and, say 1800? And, how hostile were the Indians at any of those periods? And, do you know, of your own knowledge, that said Don Carlos commenced opening the road alluded to in the 5th Interrogatory, or that he opened any road, or attempted to open any road whatever?

S. H. HEMPSTEAD,
For the United States.

Filed, 24th April, 1848.

WM. FIELD, *Clerk.*
By JOHN T. TRIGG, *D. C.*

District of Arkansas, sct.

I, William Field, Clerk of the District Court of the United States for the District of Arkansas, do hereby certify, that the foregoing In-

terrogatories, from 1 to 7, inclusive, and the Cross-interrogatories, from 1 to 4 inclusive, are truly copied from the originals, now on file, in my office.

In testimony whereof, I have hereunto set my hand, and affixed the seal of said court, this [SEAL.] 25th day of April, A. D. 1848, and the 72d year of American Independence.

Attest: WM. FIELD, *Clerk.*
By JOHN T. TRIGG, *D. C.*

STATE AND DISTRICT OF ARKANSAS,
Commissioners' Office, at the Town (Old Post) of Arkansas.

The heirs and legal representatives of DON CARLOS DE VILEMONT, deceased, *vs.* THE UNITED STATES OF AMERICA, HORACE F. WALWORTH, MARY B. MILES, and JAMES B. MILES, Defendants. } Petition in Chancery.

Be it remembered, that, on this 2d day of September, A. D. 1848, before me, Mark Mitchell, appointed a commissioner for that purpose, and, by virtue of the annexed and foregoing commission to me directed as such by the District Court of the said district of Arkansas, sitting for the adjudication of French and Spanish land claims, for the examination of Charles Bogy, and others, upon the annexed interrogatories and cross-interrogatories in said cause, above and therein stated, I caused the said Charles Bogy, who, being by me first duly cautioned and sworn to testify the truth, the whole truth, and nothing but the truth, in regard to, and touching the said interrogatories and cross-interrogatories, and the matters in controversy in said cause, deposes as follows, to wit: In answer to the first of said interrogatories, he says, that he has known De Vilemont since 1794, and his heirs as they were born. I have known Horace F. Walworth, Mary B. Miles, and James B. Miles, about seventeen years.

In answer to the second interrogatory, that Don Carlos de Vilemont was Spanish commandant from 1794 to 1802, for the period of eight years, at the post of Arkansas: he died three miles below the post of Arkansas, at Joseph Bogy's residence, the date I do not recollect.

Answer to the third interrogatory, and says, Catharine de Vilemont was the wife of Don Carlos de Vilemont—Carlos, Ursid, and Loe were his sons. The widow of James Blaine was his daughter. Louis de Vilemont was his son. The other parties to said cause, I do not know whether they were related or not.

Answer to the 4th cross-interrogatory, and says, I know that the Barron de Carondelett, Governor of Louisiana, gave to Don Carlos de Vilemont the concession at, or below, Point Chicot.

Answer to the 5th interrogatory, and says, I know that he com-

menced cutting the road, as I assisted in the work, and were prevented from the hostility of the Checksan and Creek Indians. We commenced the road seven miles below the post, on the south bank of the Arkansas River, and cut about twenty-five miles, crossing the Redford Bayo below where Mr. Malpass now lives.

Answer to the 6th interrogatory, and says, he was maried; and that, at the last accounts, his wife, Carlos, Loe, Ursin, and Zoa, the widow of Blaine, were alive. The wife of Doctr. Gibson is dead, who was the daughter of De Vilemont, and left three children, Cecelia and Adelia, daughters, and Don Carlos Gibson, a son.

Answers to the 7th interrogatory, and says, that he does not know anything else as he can recollect, and further this deponent sayeth not.

Cross-Examination.

Answer to interrogatory 1st. I came to the United States in 1788, and to Arkansas. I was going on four years old. I am sixty-four, going on sixty-five years of age.

Answers to cross-interrogatory 2d, and says, I never saw the paper, but have seen the land conceded often.

Answers to cross-interrogatory 3d, and says, that I was sometimes in St. Louis, and sometimes here, in the Post, and in 1801, I assisted in cutting the road mentioned, until run off by the hostile Indians.

Answers to cross-interrogatory 4th, and says, that the Indians were hostile for four or five or six years, about that time, so much so, that we could not work on the road. I assisted Don Carlos in opening the road, and can show traces of it now; and further this deponent saith not.

CHARLE BOGY.

UNITED STATES OF AMERICA,

District of Arkansas.

Town, Old Post of Arkansas, I, Mark Mitchell, Commissioner, as above stated, do certify, that on the second day of September, A. D. 1848, the said Charles Bogy, after being duly cautioned and sworn, as aforesaid, did answer to said interrogatories and cross interrogatories, depose as above stated, and that his deposition and answers were by me reduced to writing, and subscribed by the said Charles Bogy, in my presence, on the day and at the place as above stated.

In testimony whereof I have hereunto set my hand and seal.

MARK MITCHELL. [SEAL.]

Opened and published, 5th Oct., 1848.

WM. FIELD, *Clerk.*
By JNO. T. TRIGG, *D. C.*

UNITED STATES OF AMERICA,
District of Arkansas.

In the District Court of the United States for the District of Arkansas, sitting as a Court of Chancery for the adjudication of unconfirmed French and Spanish Land Claims. Wednesday morning, October 28th, 1846, Court met, pursuant to adjournment: present, Hon. Benj. Johnson, Judge.

Heirs of DON CARLOS DE VILEMONT et al., complainants,
vs.
THE UNITED STATES et al., defendants.

On this day came the said parties by their solicitors, and on motion and by consent of parties, it is ordered by the Court, that N. R. Jennings and H. B. Cenas, of the City of New Orleans, Louisiana, or either; C. G. McHatton, of Baton Rouge, Louisiana; Johnson Chapman, of Columbia, Checot county, Arkansas; Terrence Farrelly, of Arkansas county, Arkansas; Thomas S. James, of Jefferson county, Arkansas; James H. Lucas and John Ruland, of St. Louis, or either of them; be and they are each respectively appointed commissioners to take testimony in this cause, to be read on the final hearing of the same.

District of Arkansas.

I, William Field, Clerk of the District Court in and for the District of Arkansas, do hereby certify, that the above order is a true copy from the Land Court record, Book A, now in my office.

Witness my hand and seal of said District Court, the 8th day of March, A. D. 1847.

WM. FIELD, *Clerk.*
By D. W. CARROLL, *D. C.*

UNITED STATES OF AMERICA,
District of Arkansas.

The President of the United States,

To N. R. Jennings and H. B. Cenas, Esquires, of the City of New Orleans, Louisiana, or either of them:

You are hereby required to cause to come before you all witnesses whatsoever, and them diligently examine them on the annexed and foregoing interrogatories, on the part of said complainants, as well as of said defendants, also on the foregoing cross-interrogatory on the part of the said defendants, as well as the said complainants, in a certain cause, now depending on the Chancery side of our said District Court, wherein Catharine de Vilemont and others are complainants, and the United States of America and others are defendants; and that you then and there examine them, each on his or her corporal oath, first taken before you on the Holy Evangelists, upon the interrogatories aforesaid, and that you reduce each examination to writing; and when you shall have so taken it, that you send the same with this

dedimus to the clerk of our said District Court, at the city of Little Rock, without delay.

In testimony whereof, Benjamin Johnson, Esq., Judge of our said Court, hath caused the seal of our said Court to be hereunto affixed, this 8th day of March, A. D. 1847, and our Independence the 71st year.

[SEAL.] Attest: WM. FIELD, *Clerk.*
By D. W. CARROLL, *D. C.*

In Chancery.

Interrogatories to be administered to witnesses to be produced, sworn, and examined in a certain case, now depending and at issue in the District Court of the United States for the District of Arkansas, wherein Catharine de Vilemont, Carlos de Vilemont, Jr., Ursin de Vilemont, James Blaine and Zoé de Vilemont his wife, Louis de Vilemont, Pedro de Vilemont, and Don Carlos Gibson, Cecelia Gibson, and Adelea Gibson, minors, by their guardian and next friend, the said Catharine, Charles Tessier, Louis Janin, Pierre Soule and Amantine Mercier his wife, Louis T. Caire and Adele Mercier his wife, Armand Mercier, Alfred Mercier, Didier Dreux and Leontine Boligny his wife, and Auguste Mercier, a minor, by his tutors and guardians, said Dreux and wife, are petitioners and complainants, and the United States of America, Horace F. Walworth, Mary B. Miles, and James B. Miles are defendants, on the part of the said petitioners and complainants.

1st Interrogatory. Do you know the parties, complainants and defendants, in the title to these interrogatories named, or any, or either of them, and how long have you known them? Declare the truth, and your utmost knowledge, remembrance, and belief herein.

2d Interrogatory. Did you personally know the Baron de Carondelet, Governor-General of the Province of Louisiana, in the year 1795, or not; and if so, did you or not ever see him write, and are you acquainted or not with his handwriting and signature from having seen him write? Declare the truth, and your utmost knowledge, remembrance, and belief herein.

3d Interrogatory. Did you personally know the late Carlos de Vilemont, Military and Civil Commandant of the Post of Arkansas, in the year 1795, under the Spanish government, and are you, or are you not, acquainted with his handwriting and signature from having seen him write? Declare the truth, and your utmost knowledge, remembrance, and belief herein.

4th Interrogatory. In whose handwriting are the following papers now shown to you, purporting to be a request for land from Carlos de Vilemont to the Governor-General, dated 16th of May, 1795; a grant or concession from the Baron de Carondelet to said De Vilemont, of date June 17th, 1795, and from the former to the latter of various dates? and whose signatures are annexed to them respec-

tively? Declare the truth and your utmost knowledge, remembrance, and belief herein.

5th Interrogatory. Look upon the paper now exhibited to you written in the French language, bearing date on the 8th of May, A.D. 1815, purporting to be a sale to Jean Mercier, by Charles Tessier, of the moiety of a league of land which he had acquired of Mr. Charles De Vilemont by act of the 16th of January, A.D. 1811, situated 25 leagues below the Arkansas River, upon the Mississippi, joining the Cypress of Chicot, and state whether you know or not in whose handwriting the same is, and whose signature is attached thereto. Declare the truth and your utmost knowledge, remembrance, and belief herein.

6th Interrogatory. Do you now, or did you ever personally know the said Charles Tessier or not, and do you or not know his handwriting and signature from having seen him write? Declare the truth herein, and your utmost knowledge, remembrance, and belief herein.

7th Interrogatory. Were you not acquainted with the character and length of the service of the said Carlos de Vilemont in the Spanish army or regiment of Louisiana, and where he was posted at different times, and what military and civil trusts were committed to his charge by the Spanish Governors of Louisiana, before its cession to the States? Declare the whole truth and your utmost knowledge, remembrance, and belief herein.

8th Interrogatory. Do you know or not whether the said Carlos de Vilemont was rewarded by the Spanish Government or Spanish Governor of Louisiana with any grant or grants, or concessions of lands on account of his military service? and if so, what were the locality, quantity, date, and conditions? Declare the whole truth and your utmost knowledge, remembrance, and belief herein.

9th Interrogatory. Do you or not know anything about the laws and customs of the Spanish Government or Governors of Louisiana, as to the insertions in their grants and concessions for land, of conditions that the grantee should make roads and improvements within one year, or of cultivation or settlement within three years, or such like conditions? and whether such conditions were considered as binding, or were inserted as mere matters of form? Declare the whole truth and the best of your knowledge, remembrance, and belief herein.

10th Interrogatory. Do you or not know any reason, excuse, or cause, why the said Don Carlos de Vilemont did not literally comply with the said condition contained in said concession or grant to him? and whether or not, and how far he did comply with such condition? Declare the whole truth and the best of your knowledge, information, and belief herein.

11th Interrogatory. Do you or not know who are the heirs at law or legitimate children of Jean Mercier, named above in the fifth interrogatory, and whether the said Jean Mercier is dead or alive? and if any of the plaintiffs to this suit are such heirs, name them; and if any of such heirs are females, and married, who, and what are the

names of their husbands? Declare the whole truth and the best and utmost of your knowledge, remembrance, and belief herein.

12th Interrogatory. Look upon the little manuscript book now exhibited to you, written in the Spanish language, containing letters numbered from 1 to 122, and dated from 12th of July, 1794, to 27th of June, 1802, which book is endorsed with the title "Lebro de Correspondencia Cov el Gon. Govenador," and state, if you know, in whose handwriting said letters are, and by whom were they signed? Declare the whole truth and the utmost of your knowledge, information, and belief herein.

13th interrogatory. Look upon the paper writing now exhibited to you, purporting to a sale from said Carlos de Vilemont to Charles Tessier, for a moiety of said concession or grant from the Baron de Carondelet, written in the Spanish language, and dated January 16th, 1811, and state, if you know, in whose handwriting said sale is, and whose signature is attached thereto, *and whose signature is attached thereto*, thus, "T. Mercier," on the left hand thereof, and is it genuine, and is said "T. Mercier" dead or alive? and if alive, where is he? Declare the whole truth and the utmost of your knowledge, information, and belief herein.

14th and last Interrogatory. Do you know, or can you set forth any other matter or thing which may be a benefit or advantage to the parties at issue in this cause, or either of them, or that may be material to the subject of this your examination, or the matters in question in this cause? If yea, set forth the same fully and at large in your answer.

A. FOWLER,
Solicitor for petitioners, &c.

Interrogatories to be administered on the *cross-examination* of witnesses to be produced, sworn, and examined by the complainants, in a certain cause now depending and at issue in the District Court of the United States for the District of Arkansas, wherein Catharine de Vilemont, Carlos de Vilemont, jr., Ursin de Vilemont, James Blaine, and Zoë de Vilemont, his wife, Louis de Vilemont, Pedro de Vilemont, Don Carlos Gibson, Cecilia Gibson, and Adelia Gibson, minors, by their guardian and next friend, the said Catharine; Charles Tessier, Louis Jannin, Pierre Soule, and Amantine Mercier, his wife, Louis T. Caire, and Adele Mercier, his wife, Amand Mercier, Alfred Mercier, Didier Dreux, and Leontine Boligny, his wife; and Auguste Mercier, a minor, by his tutors and guardians, said Dreux and wife, are petitioners and complainants; and the United States of America, Horace F. Walworth, Mary B. Miles, and James B. Miles, are defendants on the part of the defendant Walworth.

1st Interrogatory. Were you or not acquainted with the character and length of service of the said Carlos de Vilemont, and where he was posted at different times, and what military and civil trusts were committed to his charge by the Spanish Government, and where, and

how, and by whom was he employed after the King of Spain had parted with his title to Louisiana, and the country then known as the Province of Louisiana? Declare the whole truth and the utmost of your knowledge, remembrance, and belief in the matters inquired of in this interrogatory.

PIKE & BALDWIN,
Solicitors for Walworth.

District of Arkansas:

I, William Field, Clerk of the District Court of the United States for the Arkansas District, do hereby certify that the foregoing fourteen interrogatories on the part of the petitioners, and the one cross-interrogatory on the part of the defendant Walworth, with the captions thereof respectively, are correct and true copies from the originals now on file in my office.

In testimony whereof I hereunto set my hand and affix the seal of our said District Court, this ninth day of March, A. D. 1847.

[SEAL.]

WM. FIELD, *Clerk.*
By D. W. CARROLL, *D. C.*

Depositions.

DISTRICT OF LOUISIANA,
Commissioners' Office, New Orleans.

VILEMONT et als.
vs.
THE UNITED STATES et als.

Be it remembered, that on this ninth day of March, eighteen hundred and forty-eight, N. R. Jennings, acting by virtue of a dedimus directed to me, and H. B. Cenas, or either of us, by the honourable, the District Court of the United States, in and for the district of Arkansas, requiring me to cause to come before me all witnesses whatsoever, and examine them on the interrogatories and cross-interrogatories annexed to said dedimus in a certain cause now depending on the chancery side of said District Court, wherein Catharine de Vilemont and others are complainants, and the United States of America and others are defendants, which dedimus and interrogatories are hereto annexed. Summoned before me the following witnesses, viz.: Edward Simon, Louis Bouligny, Antoine Crozat and Felix Grima.

Edward Simon first being sworn to testify the truth, the whole truth, and nothing but the truth, answers to the interrogatories propounded as annexed to said answers—

To interrogatory 1st. I am only acquainted with Messrs. Louis Janin and Pierre Soule. I have known them, I believe, since 1830. I know, also, Messrs. L. T. Caire and Mercier, but I am not personally acquainted with them.

Interrogatory 2d. I never knew the Baron de Carondelet, and

never saw him write. His signature, however, is familiar to me, as I have seen it very often in the course of my long practice at the bar, and I think I am able to recognise it.

Interrogatory 3d. No.

Interrogatory 4th. Being shown a paper marked A, purporting to be a requête by Carlos de Villemont, dated the 1st May, 1795, and order of survey, dated the 17th of June, same year, I can only say that I believe the signature at the foot of the order of survey to be the true signature of Baron de Carondelet.

Being also shown five letters marked B, C, D, E, F, I can only say that I think the signatures at the foot thereof to be the true and genuine signatures of the said Baron de Carondelet, and the whole of the letters to be in his handwriting.

Interrogatory 5th. Having looked at the paper referred to in the fifth interrogatory, I answer that I do not know the handwriting thereof.

Interrogatory 6th. No.

Interrogatory 7th. No.

Interrogatory 8th. No.

Interrogatory 9th. I have seen many an order of survey issued by the Spanish government, and I believe all, or mostly all, contain the conditions mentioned in the document marked A, purporting to be a requête and order of survey. My long practice at the bar at Attakapas, where I had a great number of land suits to defend, has procured me the means of ascertaining the effect of the conditions thus imposed in orders of survey, and I never attached much importance to the proof of their having been complied with; I have generally considered them as more formal than binding, as I have known a great number of confirmations of land titles by our government which were issued without any proof of any compliance with the said conditions. I know of no case in which orders of survey containing similar conditions had been forfeited, rescinded or revoked, under the Spanish government. None ever fell under my notice which may have been forfeited from non-compliance with the aforesaid conditions.

Interrogatory 10th. I do not know.

Interrogatory 11th. I do not know, as I never knew Jean Mercier.

Interrogatory 12th. I do not know the handwriting of said manuscript book.

Interrogatory 13th. I do not know.

Interrogatory 14th. At the request of the party, I state that I have practised law for more than twenty years, and that I have been a Judge of the Supreme Court of Louisiana for upwards of six years. I know of no other matters that may be of advantage to the parties at issue in this case.

To the interrogatory propounded by defendant Walworth, I say that I have no knowledge of the matters inquired into therein.

EWD. SIMON.

Louis Bouligny being in like manner sworn, answers as follows:

Interrogatory 1st. He knows all the plaintiffs in this suit, except the two youngest children of Mathilde de Vilemont, the deceased wife of ——— Gibson, and has known them for many years; he does not know the defendants, Horace F. Walworth, Mary B. Miles, and James B. Miles.

Interrogatory 2d. Witness knew, personally, the late Baron de Carondelet, Governor-General of the province of Louisiana, from his arrival in the colony in 1791 until 1797, when he left. Witness has seen him write orders which the said Carondelet afterwards handed to him, to be delivered to the persons to whom they were addressed. Witness was, at that time, an officer of the regiment of Louisiana, and standard-bearer of the regiment, and in that capacity it often became his duty to wait on the Governor for orders. Witness is perfectly well acquainted with the handwriting and signature of said Carondelet.

Interrogatory 3d. Witness knew, personally, the late Carlos de Villemont, civil and military commandant of the post of Arkansas in 1795, and before and since. Said Villemont was the uncle of witness, and frequently stayed at the house of witness's father, before he left for his command in Arkansas. Witness is also perfectly well acquainted with the handwriting and signature of said Villemont, having seen him write and sign his name and having corresponded with him.

Interrogatory 4th. Document A, purporting to be a request for land from Carlos de Villemont to the Governor-General, dated May 10th, 1795, being shown to witness, he says: that the petition or request is in the handwriting of the late Carlos de Villemont, and signed by him; the order of survey at the foot of it is in the handwriting of Jean Mercier, then clerk in the office of the secretary of the Governor, and it is signed by the Baron de Carondelet. Documents B, C, D, E, F, purporting to be five letters addressed by the Baron de Carondelet to Carlos de Villemont, on the 6th of March, 29th of April, 14th of May and 12th of September, 1796, and 17th of February, 1797, are entirely in the handwriting of the Baron de Carondelet, and signed by him.

Interrogatory 5th. Being shown a document in the French language, bearing date on the 8th of May 1815, purporting to be a sale to Jean Mercier by Charles Tessier, of the moiety of a league *of a league* of land, which he had acquired of Charles de Vilemont by act of the 16th of January, 1811, situated twenty-five leagues below the Arkansas river, upon the Mississippi, joining the Cypress Swamp of Chicot. He says the same is entirely written and signed by Charles Tessier.

Interrogatory 6th. Witness knows Charles Tessier personally, and has known him many years.

Interrogatory 7th. Witness was well acquainted with the character and length of the service of Carlos de Vilemont in the regiment of Louisiana.

Witness says the remainder of the interrogatory will be best answered by transcribing in this place the affidavit made by witness on the 27th December, 1836, and the document annexed thereto, which was submitted by most of the present plaintiffs to Congress, and ordered to be printed by the Senate on January 20th, 1837, and thereafter printed. Said affidavit and the document thereto annexed are in the following words:

No. 3.

STATE OF LOUISIANA,
Parish of Orleans:

Louis Bouligny, being duly sworn, deposeth that he is a native of the City of New Orleans, and fifty-six years of age. Deponent was well acquainted with the late Carlos De Vilemont, who was his uncle, and with whom deponent's father was very intimate, and in constant correspondence. Deponent has frequently understood, both before and after the cession of Louisiana, that Vilemont had a grant to Point Chicot, in Arkansas, of which he conveyed one undivided half to Judge Tessier, in 1811, by a writing which deponent has now before his eyes. This circumstance was frequently mentioned to deponent by Vilemont himself. The paper annexed to this affidavit is Vilemont's certificate of service brought down to 1796. In the Spanish military service, such certificates were usually delivered to officers. That paper is signed by Juan Guertier, the major of the regiment, and by France Bouligny, deponent's father, who was the colonel of the regiment of Louisiana. Deponent was himself an officer in that regiment. It appears, by the said certificate, that Vilemont was considered a good officer, that he had entered the service in 1770, and had made several campaigns. From 1794 to 1802, Vilemont was commandant of Arkansas, and during that time never visited New Orleans; if he had done so, deponent would have known it, on account of the intimacy that existed between their families. Deponent believes that even Vilemont's temporary absence from the Post would not have been permitted, as he had no other officer under his command. Deponent is well acquainted with the rules of the Spanish service in Louisiana, and feels authorized to say that Vilemont would not have been permitted to reside or stay away from the fort. The Spanish Governor frequently rewarded public services by grants of land, and officers of rank generally obtained more valuable or more numerous grants than others. Deponent never understood and does not believe that Vilemont had any other grant but that of Point Chicot. After his recall from Arkansas, Vilemont was promoted to the rank of lieutenant colonel.

Deponent having been shown a copy of Vilemont's concession, says that nothing was more common in orders of survey than the condition of cultivation within three years. This was a clause which the Governor's secretary inserted nearly in every order of survey,

without previous inquiry into the situation of the land; it was considered as mere matter of form. And deponent, notwithstanding his very extensive acquaintance with the old population of Louisiana, never has heard of an instance that a grant has been confiscated because these conditions had not been complied with. The complete title called "Titulo informa" could not be obtained without a previous survey, and in remote districts it was extremely difficult to procure the attendance of a surveyor. Indeed, the complete title was very generally considered unnecessary. Nobody made any difficulty in buying lands for which the vendor had only an order of survey.

(Signed) L. BOULIGNY.

Sworn to and subscribed before me, New Orleans, December 27th, 1836.

(Signed) EDWARD RAWLE,
Judge of the City Court.

Interrogatory 8th. Said Vilemont was rewarded for his services by the concession (A), referred to in the fourth interrogatory, and in the answer thereto. The locality, quantity, date, and conditions of said concession appear from said Document (A).

Interrogatory 9th. Witness believes that he is well acquainted with the laws and customs of the Spanish Governors, or Government of Louisiana, as to the in their grants and concessions of land, of conditions that the grantee should make roads and improvements within one year, or of cultivation or settlement within three years; and he still is of the opinion expressed in his affidavit of December 29th, 1836, annexed to his answer to the 7th interrogatory, viz., "That this was a clause which the Governor's Secretary, inserted nearly in every order of survey, without previous inquiry into the situation of the land, that it was considered as a mere matter of form; and that the witness, notwithstanding his very extensive acquaintance with the old population of Louisiana, never has heard of an instance that a grant of land had been confiscated because these conditions had not been complied with."

Witness further says that the truth of his statement, and the correctness of his opinion, is particularly apparent in this case, as a road would have been perfectly useless on the land granted to Vilemont at Point Chicot, there being no white inhabitants within many miles of it in every direction; and Vilemont's official duties, as long as he was not relieved from them, prevented him from making a settlement on the land in person. Nor is it probable that he could have found anybody to make a settlement for him as long as the Indians continued as hostile as they were at the time of the concession and long afterwards.

Interrogatory 10th. All that the witness knows on the subject inquired into in this interrogatory he has declared in the preceding interrogatory.

Interrogatory 11th. Witness was well acquainted with the late Jean Mercier, who died about 1832, and knows all his children and heirs personally. They are Armantine Mercier, the wife of P. Soule, Adele Mercier, the wife of Louis T. Caire, Armand Mercier, Alfred Mercier, and Auguste Mercier, a minor, a son of the late Jean Jacques Mercier, a son of the late Jean Mercier, Leontine Bouligny, the widow of the said Jean Jacques Mercier, and mother of said Auguste Mercier, is now married to Didier Dreux.

Interrogatory 12th. Being shown a little manuscript book, written in the Spanish language, numbered from 1 to 122, and dated from the 12th of July, 1794, to the 27th of June, 1802, which book is indorsed with the title, "Libro de correspondencia con el Sr. Gobernador," he says, the whole contents of said manuscript book, as well as the title, are in the handwriting of the said Carlos de Vilemont. All commandants under the Spanish Governments were bound to keep a record of their official letters, and to number them. The manuscript book shown to witness is the record of Vilemont's correspondence with the Governor. The letters contained in it, being merely copies, are not signed, strictly speaking; but in making these copies, Vilemont also copied his own signature to the originals.

Interrogatory 13th. Being shown a paper writing, purporting to be a sale from Carlos de Vilemont to Charles Tessier, for a moiety of his concession or grant from the Baron de Carondelet, written in the Spanish language, and dated January 16th, 1811, he says that the body of said sale is in the handwriting of Charles Tessier. Said paper is signed in the proper handwriting of Carlos de Vilemont. The signature of Jean Mercier on the left hand thereof is also genuine. Witness has already stated in answer to the 11th interrogatory that he was well acquainted with the late Jean Mercier, who died about 1832; and he further says that he knows the handwriting of said Jean Mercier perfectly well, having often seen him write and sign his name.

Interrogatory 14th. He knows of no other matters or things which may be of benefit or advantage to the parties at issue in this case, or either of them, but such as he has declared in his answers to the preceding interrogatories, and in his affidavit of December 27th, 1836, copied into witness's answer to the 7th interrogatory.

In answer to the interrogatory propounded by Horace F. Walworth, the witness says, this interrogatory is already fully answered by witness's answer to 7th interrogatory of the plaintiffs. Vilemont remained commandant of Arkansas until 1802. He was then ordered to New Orleans, and continued to serve in his regiment until 1811, first in New Orleans, and afterwards in Pensacola, to which place his regiment was sent after the cession of Louisiana. In 1808, he was appointed Lieutenant Colonel of his regiment, and about 1811 he resigned. Soon afterwards, and witness believes im-

mediately afterwards, he went to Point Chicot, to make a settlement upon his concession.

The answers of witness to the several interrogatories being carefully read over to him, he wishes to correct the answer to the 12th interrogatory, and to state, that having examined the book entitled "Libro de Correspondencia con el Sor. Gobernador" more attentively, he discovers that nineteen of the letters in said bundle appear not to be in the handwriting of Vilemont, although dictated by him evidently; the remaining are all in the handwriting of Vilemont.

L. BOULIGNY.

Antoine Cruzat, being in like manner sworn, answers as follows:

Interrogatory 1st. Witness does not know any of the defendants, but he knows, and has known for many years, all the plaintiffs named in the interrogatory, except the widow and heirs of Carlos de Vilemont.

Interrogatory 2d. Witness knew the Baron de Carondelet personally in 1795, and before and since, and has often seen him write, and knows his handwriting and signature perfectly.

Interrogatory 3d. Witness knew personally the late Carlos de Vilemont, Military and Civil Commandant of the Post of Arkansas, in 1795, and before and since, and is acquainted with his handwriting and signature, from having seen him write.

The said Vilemont and witness were officers in the same regiment, the regiment of Louisiana.

Interrogatory 4th. Witness being shown document A, says that the requête, or petition, dated the 1st of May, 1795, is in the handwriting of Carlos de Vilemont, and signed by him. The order of survey, dated the 17th June, 1795, is in the handwriting of the late Jean Mercier, who was then clerk in the office of the Secretary of the Governor; and the signature at the foot of this order of survey, is in the proper handwriting of the late Baron de Carondelet. Being shown documents B, C, D, E, F, purporting to be letters from the Baron de Carondelet to Carlos de Vilemont, dated the 5th of March, 29th of April, 14th of May, and 12th of December, 1796, and 17th February, 1797, he says that said letters are entirely in the handwriting of the Baron de Carondelet, and signed by him.

Interrogatory 5th. Having examined the paper described in the interrogatory, the witness says it is entirely in the handwriting of Charles Tessier, and signed by him.

Interrogatory 6th. He has known Charles Tessier from his early youth, and has often seen him write, and knows his handwriting perfectly well.

Interrogatory 7th. Witness entered service in the regiment of Louisiana in 1788, when he was twelve years of age. Carlos de Vilemont was then already an officer in that regiment. Witness remained in the service until 1809, and after the cession of Louisiana was stationed at Baton Rouge. At the time of the cession of Loui-

siana Vilemont was a captain. He had been previously commandant of Arkansas for a considerable number of years. After that, witness lost sight of Vilemont.

Interrogatory 8th. Witness knows nothing about the matter inquired into in this interrogatory, except what appears in document A, above referred to.

Interrogatory 9th. He is well acquainted with the laws and customs of the Spanish government, as to the concessions of lands, or orders of survey, or conditions *conditions*, such as are referred to in the interrogatory, and as appear in document A. Witness was for a number of years, and while he was an officer in the regiment, employed as clerk in the office of the Secretary of the Governor, both under Governor Carondelet and under Governor Gazosa. The Secretary of the Treasury had charge of the land department. Such conditions as are mentioned in the interrogatory were matters of form, and were inserted in almost every order of survey in very much the same terms. He never heard of a case that a concession or order of survey had been annulled, because these conditions had not been complied with.

Interrogatory 10th. Witness says, that while Vilemont was commandant at the Post of Arkansas he would not have been permitted to absent himself for the purpose of attending to his private business.

Interrogatory 11th. Witness says, that John Mercier died about 1832. He knows all the children of said Jean Mercier—they are Armantine Mercier, the wife of Pierre Soule, Adile Mercier, the wife of Louis T. Caire, Armand Mercier, Alfred Mercier, and Auguste Mercier, the minor son of the late Jean Jacques Mercier, who was one of the sons of the late Jean Mercier. Witness also knows Leontine Boligny, the widow of Jean Jacques Mercier and the mother of said Auguste Mercier, who is now married to Didier Dreux.

Interrogatory 12th. Having been shown the little manuscript book referred to in the interrogatory, witness says, the whole of it is in the handwriting of Carlos de Vilemont. Its contents are copies of letters addressed by Vilemont to the Governor of Louisiana and to the Auditor of War.

Interrogatory 13th. Being shown the document described in the interrogatory, he says, the body thereof is in the handwriting of Charles Tessier, and it is signed by Carlos de Vilemont and by Jean Mercier, in their own proper handwriting—by the latter as witness. He has already said, in answer to the 11th interrogatory, that Jean Mercier died about 1832. Witness is perfectly acquainted with the handwriting, having seen him write and sign his name.

Interrogatory 14th. Witness knows nothing more that may be of benefit or advantage to the parties at issue in this suit.

To the interrogatory propounded by the defendant Walworth, witness answers, that he has already stated, in answer to the 7th interrogatory propounded by the plaintiffs, all he knows on the subject inquired into by the defendant Walworth.

Witness does not know when, and by whom Vilemont was employed after the cession of Louisiana.

The answers of witness, as above set forth, to the interrogatories, being carefully read over to him, he wishes to correct the answer to the twelfth interrogatory, by stating that he has more particularly examined the manuscript book, entitled "Libro de Correspondencia," referred to in the interrogatory, and that all the letters appear to be in the handwriting of Vilemont. He has been induced to examine them more particularly since the testimony of Mr. Bouligny.

A. CRUZAT.

UNITED STATES OF AMERICA,
District of Louisiana, City of New Orleans.

I, N. R. Jennings, acting by virtue of the dedimus, addressed from the Honourable the District Court of the United States in and for the District of Arkansas, already set forth, the same being annexed, do certify, that on the 9th day of March, 1848, I was attended by the witnesses Edward Simon, Louis Bouligny, and Antoine Cruzat, who were of sound mind and lawful age; and the said witnesses were by me carefully examined, and sworn to testify the whole truth in answer to the interrogatories propounded, and their answers were by me reduced to writing, and after carefully reading over the said answers to each of the said witnesses, they subscribed the same in my presence. The said answers, together with the dedimus and interrogatories, and documents referred to, annexed, I have now in my possession, to seal, direct, and forward the same to the Clerk of the District Court of the United States for the District of Arkansas, at the City of Little Rock, agreeably to the requirements of said dedimus.

In witness whereof, I have hereunto set my hand and seal.

N. R. JENNINGS. [SEAL.]

(A.)

SOR. GOVOR. GEAL.:

Don Carlos de Vilemont, Capitan del Regimiento Ynfa. de la Luisa., Commandante Civil y Militar del Fuerte de Arkansas y sus Districto.

A V. S. con el devido respeto, os pone: Que demando establecer una habitacion y una vaquesceria para el consumo de este fuerte, en el que se experimenta una grande escasa de animales vacunos para este sunto carecer de carne en muchos meses del año, a pesar de serle un renglon indispensable a la vida, A V. S. suplica se sirve concedele dos leguas de tierra de frente, sobre una legua de profundidad, con limites paralelos en el parage llamado la Ysla del Chicote, distante de treinta y cinco leguas mas abajo de la embocadura del Rio de Arkansas, sirviendo de limite superior, la cijmera de la

Ysla del Chicote. Gracia que espera recivir de la benevolencia de V. S.

Fuerte Sn. Estevan de Arkansas le de Mayo de 1795.

CARLOS DE VILEMONT.

NUEVA ORLEANS, 17 *de Junio de* 1795.

El Agrimensor general de una Provinica ó el particular nombrado por este establecerá este aparte sobre las dos leguas de tierra de frente, con una legua de profundidad, que solicita en el paragüe indicado en el Memorial antecedente, estando vacantes y no causando perjuicio alguno, con la expresa condicion de hacer el camino y desmonte regular en el termino percutorio de un año, y que dan cierta esta concesion es al espirar el procuro espacio de en la tierra no se hallare establecida, y de no poder enagenarla en los mismos, bajo cuyo supuesto se extenderan a continuacion las diligencias de Apeo, que me remitera para provier al interesado del correspondiente titula en forma.

EL BARON DE CARONDELET.

Reg'd. [s.]

Endorsed as follows: "Referred to in depositions taken before N. R. Jennings, Com., in the 4th interrogatory.

N. R. JENNINGS."

(B.)

NOUVELLE ORLEANS, *ce* 6 *Mars*, 1796.

[Referred to in the 4th interrogatory, N. R. Jennings.]

Je vous remeti ci joint, monsieur, une lettre du M. de Blanc, cidevant Commandant des Natchetotches, par laqu'elle il vous mande, sans doute, qu'il ne peut se rendre au rendezvous que vous luis avez indique parceque les Cadaux et les autres nations circumvenens represent de fair la paix avec les Osages; en consequence vous vous y rendrez seulement avec les Arkansas, non obstant j' esperique le nouveau Commandante, Dn. Felix Trudeau, parviendra a les romevoi a la faim politique et a lui interest qui exigent imperieusement celle paix.

Sous peu de tems il montera un ingenieur pour livre le plan du fort et du terson des arkes, ainsi que des autres partes fortifies sur les deux rivis du Missisipi, le quel fera les duis et formera le projet des anectionissemens convenable sa chaque, pour le tout et se examine dans une assemblee ou conseul d'officiers generaux, qui sont nommes a ce sujet, ainsi et pourra en meme temsordonnee les reparation absolument indispensables a votre forte.

Le traite de limites et de navigation conclu entre l'Espagne et les Etats-Unis d'Amerique portera peut etre quelque changement a la situation de nos postes sur la Missisipi, comme en ignorans encore la termes, ou ne point que des conjectures a cet agard.

Je vous ai marque cidevant que j'avais passe une para le tres forte a la nation Chicasaw, sur les depradationes que quelques uns de ses

guerriers commitent a votre poste. Si elle en fuit pas effet il sero a propos de tacher a en arreter un ou deux, et de me les envoice, je tenedens en person quelque tems, ceque lu ir fera plus d'impression que toute le reste.

Mme de Carondelet me charge ainsi que ma fille de vous faire bien des remercemens des langues excelentes que vous lui avez envoire; je me joint a elle pour vous assura du sencira attachment avec lequel. J'ais l'honneur d'etre.

Monsieur, votre tres humble et
Tres obeissant serviteur,
LE BARON DE CARONDELET.

Monsr. Charles de Vilemont.

(C.)

[Referred to in the 4th interrogatory. N. R. Jennings.]

Nouvelle Orleans, *ce* 29 *Aout*, 1706.

En response, monsieur, a vos lettres du 22 Fevrier, 12 Mars, et 12 Aout, j'ai l'honneur de vous dire que vous avez tres bienfait de temoigner de l'attachment a Vgalujacabé, grand chef de la nation Chicasaw, a qui vous devons notre etablisement des Ecores, et qui est pensionnaire par le Roy de sorte que nous pouvons compter sur son parte, qui est tres considerable dans la nation; mais vous devoiz faire en sorte d'eloigner, sans vous compromettre les savages de ce bord, qui sans cela detruirant la chasse de l'autre, et devasterant nos establissemens. Le moyen le plus assurer, comme je vous l'ai deja dis est de mainteniere la paix entre la nation Arkansa et celle des Osages, afin que ceux-ci pourant s'approcher sans crainte du poste, mettent les savages de l'autre bord dans le cas de n'oser s'avancer dans la pays de crainte de les rencontre. Les Cadeaux ne veutent pas la paix avec les Osages, ainsi il faut les laisser agire comme bon leur semblera.

J'ai refuse la permission que en ont demandes deux Ameriquainis de traverser le fleuve avec un parti Choctaws pour aller chasser dans vos canton. S'ils s'y rendent et que vous puissiez les arreter sans danger, envoyez les bien assures a Nogoles, d'on au me les pura passer. Quand a votre fort il ne faut pas pursu a le changer de place sous les circonstances presentes, d'autant que les edifices avant ete faits, et y'e peu d'annies a neuf, mais nous verrons de le faire entour d'une bonne palissade et une banquette.

J'ai recu le minol de froment que vous avez eu la bonte de m'envoire, et que j'ai remis a Capne. General, qui me l'avait demandé. Il serait bien a desirer que tous ces etablissemens de la haute Louisiane s'adonnassent a la culture du blé, qu'a la traite qui ne product, qui un bien etre passage nous manquans absolument de farine de sorte que nous mangeans de puis bien du pain mislé avec anies.

Je suis tres sensible au compliment que vous avez bien soutre me faire sur le grade de Marechal de Camp, que le Roy m'a accorde.

On pretend que cette grace a ete suivre de la Capitainerie generale de la Havana; mais cette nouvelle mante confirmation. Si elle ait certaine, j'eu serois doublement flatté, puis qu'ille me procurerait la vantage d'etre utile a la Louisiane et a ceux que j'ai l'honneur d'avoir actuellement sous orders.

J'ai recu une lettre de M. votre frere, qui continua a joini d'un accueil favorable de la part du Premier Ministre, ainsi il doit espere d'etre sous peu tres avantageusement place.

Les dames me chargent au vous dire bien des choses gracieux de leur part. Portes vous bien, et disposez, monsieur, de votre tres humble et tres obeissant serviteur.

LE BARON DE CARONDELET.

Monsieur De Vilemont.

(D.)

[Referred to in the 4th interrogatory. N. R. Jennings.]

Nouvelle Orleans, *ce* 14 *May*, 1796.

J'ai recu, monsieur, votre lettre du 28 Aout, qui m'apprend que Mr. Chouteau a recu trop tard l'avis du rendezvous au Cadron bleu que vous lui avez indique d'apres le traite de limites conclue avec les Etats-Unis, se deveniant mastres a l'autre bord du fleur. Il sera plus necessaire que jamais aux nations du votre de se tenir etroitiment unis entre elles pour en ecarter les savages Chics, Chactaus, et Talapouches que les Ameriquanais engageroit a aller chasse de leur coté.

Dn. Juan Perchet est charge d'examiner en homme de l'art la situation la plus favourable pour faire un fort respectable aux Arkansas; en attendant il dépensera des moyens de mettre l'actuel hors d'etre insulté, par une bonne palissade avec la banquette et quelques pieces d'artillerie bien places. Des que les troupes se retireront des forces, elles completeront en passant votre garrison jusqu'a quarante hommes, mais vous deverez faire tout votre possible pour empecher les Ameriquains de passer le fleuve et de venir s'etablir sous votre commandement, à moins que ce ne soient de bons laboureurs en grains qui je viennent avec des outils et les moyens necessaires pour la culture du blé, car il faut favoriser ceux en tout ce qui dependra de vous.

J'ai renouvelle mes recomandtions a Mr. Chouteau de tenir les Osages avec votre poste, de votre coté vous devez engager vos gens a les acceuillir partout ou ils les trouveront.

Ces dames me chargent de vous faire bien des amities de leur part, et moi je vous prie de me croire avec le plus sincere attachement,

Monsieur, votre tres humble

Tres obeissant serviteur,

LE BARON DE CARONDELET.

Monsr. De Vilemont.

(E.)

[Referred to in the 4th interrogatory. N. R. Jennings.]

Nouvelle Orleans, *ce* 12 *S'bre*, 1796.

N'ayant recu, monsieur, aucune nouvelle des Arkes depuis vos lettres du 8 et 10 Aoust, je suis fort inquiet sur le sort qu'aura en la maladie de Dn. Juan Perchet, que j'estime infiniment, et a que je serais au desespoir qu'il fut arrive quelqu' accident facheux; s'il a eu le contraire de s'en tirer, comme je l'espere, il ne doit pas tarde a descendre, car je ne peux rien determiner concernant les fortifications du fort que je ne reconire les renseignements que je lui ai demandes, nous voirons a y elever egalement une eglise et une maison curiate.

Je crois que le parti que prennent les chasseurs du poste de se faire accompagner par dix soldats de la nation Osage des plus determines est un effet les plus certain pour faire leur chasse avec securite. J'ecrirais tres sincerement a Mr. Chouteau en lui ordonnant egalement de faire rendre les vingt chevaux, les sept carabines et le fusil qui ete enleve.

Votre poste va devenir aussi important que considerable apres le traite de navigation et limites conclu avec les Etats-Unis. Une quantité d'etrangers Catholiques etablis en Amerique et de longamment se disposent a emigrer avec tout leur bien a la Louisiana, des propositions m'ont deja ete faites a ce subject, et j'epere que au printems vous en voirez les effects, aussi votre poste n'aura plus a redouter les savages.

J'ai passe a Mr. de Bolegny la valeur de cent piastres que vous m'avez fait passees.

Agreez les remerciments de votre souvenir de la part de ces dames. Nous avons eu le malheur de perdre en deux jours de maladie mon frere, ex-chanoine de Cambrai, et ete sur le point de perdre egalement mon fils, ce qui nous a rempli de chagrins.

J'ai l'honneur d'etre avec le plus sincere attachement,

Monsieur, votre tres humble et

Tres obeissant serviteur,

LE BARON DE CARONDELET.

Envoyez-moi je vous prie les langues que je vous ai demandees pour les remettre a Madrid, mais en y j'oignant le prix.

Monsr. De Vilemont.

(F.)

[Referred to in the 4th interrogatory. N. R. Jennings.]

Nouvelle Orleans, *ce* 17 *Fevrier*, 1797.

J'ai recu, Monsieur, vos lettres du 20 et 29 S'bre., aux qu'elles je n'ai pu repondre plustot parce qu'une pirogue du Poste est repartie sans prendre de passeport.

Je suis bien faché de ne pourvoir votre placet pour le grade vous

avez devant vous Mr. Collet et Portell qui le meritent de preference par leur ancienneté de services, et particulairement le dernier, qui a eu plusieurs campagnes. Mais pour adoucir cette nouvelle, j'ai dit a Mme. votre mere que je vous laisserai aux Arkansas tant que vous vous y comporterez comme vous l'avez fait jusqu'a present.

Comme les Ecores, Nogoles, et Natchez vont etre evacues j'ai donne l'ordre de vous remettre de Nogoles quatre pieces de quatre, quatre pierriers, un artilleur et un caporal, et dix fusiliers du fixe, portant donc en avant votre garrison a 40 hommes. J'envoie egalement le nomme Rivos *Sobry, tentes*, ouvrages de fortifications, avec un charpentier pour planter la nouvelle palissade; la garrison sera employee a cet ouvrage et a repaire la banquette. A chaque bastion on formera quatre embrasures pour le canon qui se fermeront comme les sabords d'un vaisseau, et les creneaux pour la musqueterie seront couverts a six pieds au moins de terre; de cette facon vous serez au moins en sureté contre les savages, a qui vous pourrez faire la loi au lieu de la recevoir.

J'ai ecrit fortement a Mr. Chouteau qui obtiendra la tete de la Osage qui a tiré le chasseur des Arkes, on prendra son privilege.

Je suis tres reconnoissant des langues que vous m'avez envoie, et qui sont deja parties pour Madrid; mais je vous avois prie de m'en faire facturer le montant et sont destinees au Marquis De Franda, oncle de Mme. de Carondelet, qui me les avoit demande. Mme. me charge de vous en reiterer les remerciments ainsi que ma fille, qui vous fait bien des complimens.

J'ai l'honneur d'etre avec la plus parfaite consideration,

Monsieur, votre tres humble et

Tres obeissant serviteur,

LE BARON DE CARONDELET.

Mr. De Vilemont.

No. 1. Participo á V. S. haver llegado con toda felicidad á este puerto el dia 11 de este mes, y desde luego tome posesion del mando político y militar de este Fuerte y su distrito, que se ha servido V. S. poner á mi cargo. Dios guarde á Vd. muchos años. Fuerte de Sn. Estevan Arkansas 12 de Julio de 1774. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 2. Careciendo en este puerto de todo alimento para los enfermos, y hallandose successivo malo los soldados Juan Briana, de la 3a. del Rs. y Anta. Morilla, de la 6a. de Fd., determinado dirigir los al Rl. Hospl. de Nogal, quedando con el Capn. Dn. Ignacio Deleno, que me enviara para la primera ocasion al reempalazo de la citado, para el completo de este destacamento, lo que pongo á noticias de V. S. para su conocimiento. Dios guarde á V. S. muchos años. Fuerte de Sn. Estevan de Arkansas 13 de Julio de 1774. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 3. He recivido el regalo de los Indios que venia a cargo del

patron Anbuido, previ conforme consta por la relacion el dia anterior de la fecha. Dios guarde á V. S. muchos años. Fuerte Sn. Estevan de Arkansas 28 de Julio de 94. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 4. Enterado de la de V. S. con fecha de 9 de Junio, devo participarle á V. S. que haviendome informado por diferentes habitantes de satisfaccion de este Puesto, serbientes y vindico la herencia montada que pide Da. Maria Velociana de Moraut, lo mismo que hacia mi comodo pa. la calle que se avia solicitado á lo que inmediatamente pa. informacion de testigos le he dado a la dicha Da. Maria toda la justicia que V. S. me ordena, dandole la posesion que es necesaria de toda su profundidad, lo que proveyo a nonesa de V. S. para su conocimiento. Dios guarde a V. S. muchos años. Fuerte Sn. Estevan de Arkansas 29 de Julio de 94. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 5. He recivido la de V. S. con fecha de 8 de Junio proximo pasado, en la que incontinente mande juntar la compa. de milicia, dandoles a reconocer por tente. y subte. a los nombrados que V. S. expone en su merito lo que pongo a noticia de V. S. para su inteligencia. Dios gue. á V. S. muchos años. Fuerte Sn. Estevan de Arkansas 29 de Agosto de 94. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 6. Haviendo recivido la de V. S. con fecha de 22 de Julio, devo participarle a V. S. que en caso que hubiese tal novedad tomare todas las precauciones que V. S. me ordena, mandando inmediatamente la pondria a los puntos que V. S. me relaciona, la que participio a V. S. para ser corriente. Dios gue. a V. S. muchos años. Fuerte Sn. Estevan de Arkansas 29 de Agosto de 94. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 7. Participo a V. S. de haver llegado del puesto de Nogales los soldados Frano. Lopez de la 4a. del go., y Juan Lunguires de la 3a. del 2o., en reemplazo de Juan Brona de la 3a. del 1o., y Antonio Morillo de la 6a. de 7o., de los que di parte a V. S. en oficio No. 2. Dios gue. a V. S. muchos años. Fuerte de Sn. Estevan de Arkansas 6 de Sbre. de 1794. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 8. El Capitan D. Ignacio Deleno me haber entregado dos juiciosos medallas para Gefe, lo que pongo a noticia de V. S. para su conocimiento. Dios gue a V. S. muchos años. Fuerte Sn. Estevan de Arkansas 6 de Sbre. de 1794. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 9. Haviendose juntado los Indios de la nacion de este districto de Arkansas para recivir sus regalos, y han quejado todos los gefes diciendome que V. S. los mandaba mui pocos casos principalmente el gran gefe Guapatecas me infirrio este dho. que se havisa allado al Hyalo Ge. V. S. mando dan a los Arkansas fr. D. Pedro Rusan viendo

que lo suyo en comparacion de aquello hace muy poco me hare presente su sentimiento para que se espresice a V. S. sino que selos aumente el regalo y general de muestras chicas pa. los niños, lo que pongo a noticia de V. S. para su conocimiento. Dios gue. a V. S. ms. as. Fuerte Sn. Esteavn de Arkansas 6 de Sbre. de 1794. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 10. Participo a V. S. como no se pueden contener a los Arkansas de robar los caballos de los Arkansas y matar al ganado vacuno. Aunque los tengo hablado y reganado para este fin, lo que pongo a noticia de V. S. para su conocimiento. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas, 7 de Sbre. de 1794. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 11. Participo a V. S. como el soldado Manuel de Silva de la 4a. compa. del 1r. batn. fallecio en este puesto el dia 26 de Septre. de 1794, lo que pongo á noticia de V. S. pa. su conocimiento. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 2 de Octubre de 1794. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 12. Participo a V. S. como se necesita una drisa para el pato del hasta bandera y una quirda de quarenta y cinco pies de largo, juntamente dos cubos para sacar agua del poso. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 6 de Noviembre de 1794. Carlos de Vilemont—Sor. de Carondelet.

No. 13. Se ha conducido el pago de este fuerte lo que participo a V. S. para su inteligencia. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 6 de Noviembre de 1794. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 14. Remito a V. S. el padron de los vecinos de este districto de mi cargo. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 7 de Noviembre de 1794. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 15. Recibi la de V. S. de 1r. de Septiembre de 94, en que me dice haver tomado pesesion de la Intendencia de este Provincia el Sr. Intendente de escerciose D. Frans. Ruidon. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 16 de Diciembre. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 16. Hallandose vacante de gefe de pequeña Medalla de tercero velache de este nacion Arkansas por minuito de huiaatmonoyr, que la obtenia y dos de Gola del segundo, ritu da por fallemientos de Zenomony y pamony, siendo necesario proveerlos su Indios de cruces costumbre y fidelidad a la guerra, propongo a V. S. fiara el de pequeño medalla al gefe de Gola Cozennoparaiso y pa. los de Gola a Huahstaye y Monzoutepula pa. concurrir en mas las circunstancias y requisitos pa. este empleo. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 20 Dicre. de 1794. Carlos de Vilemont—Sor. Baron de Carondelet.

patron Anbuido, previ conforme consta por la relacion el dia anterior de la fecha. Dios guarde á V. S. muchos años. Fuerte Sn. Estevan de Arkansas 28 de Julio de 94. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 4. Enterado de la de V. S. con fecha de 9 de Junio, devo participarle á V. S. que haviendome informado por diferentes habitantes de satisfaccion de este Puesto, serbientes y vindico la herencia montada que pide Da. Maria Velociana de Moraut, lo mismo que hacia mi comodo pa. la calle que se avia solicitado á lo que inmediatamente pa. informacion de testigos le he dado a la dicha Da. Maria toda la justicia que V. S. me ordena, dandole la posesion que es necesaria de toda su profundidad, lo que proveyo a nonesa de V. S. para su conocimiento. Dios guarde a V. S. muchos años. Fuerte Sn. Estevan de Arkansas 29 de Julio de 94. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 5. He recivido la de V. S. con fecha de 8 de Junio proximo pasado, en la que incontinente mande juntar la compa. de milicia, dandoles a reconocer por tente. y subte. a los nombrados que V. S. expone en su merito lo que pongo a noticia de V. S. para su inteligencia. Dios gue. á V. S. muchos años. Fuerte Sn. Estevan de Arkansas 29 de Agosto de 94. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 6. Haviendo recivido la de V. S. con fecha de 22 de Julio, devo participarle a V. S. que en caso que hubiese tal novedad tomare todas las precauciones que V. S. me ordena, mandando inmediatamente la pondria a los puntos que V. S. me relaciona, la que participio a V. S. para ser corriente. Dios gue. a V. S. muchos años. Fuerte Sn. Estevan de Arkansas 29 de Agosto de 94. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 7. Participo a V. S. de haver llegado del puesto de Nogales los soldados Frano. Lopez de la 4a. del go., y Juan Lunguires de la 3a. del 2o., en reemplazo de Juan Brona de la 3a. del 1o., y Antonio Morillo de la 6a. de 7o., de los que di parte a V. S. en oficio No. 2. Dios gue. a V. S. muchos años. Fuerte de Sn. Estevan de Arkansas 6 de Sbre. de 1794. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 8. El Capitan D. Ignacio Deleno me haber entregado dos juiciosos medallas para Gefe, lo que pongo a noticia de V. S. para su conocimiento. Dios gue a V. S. muchos años. Fuerte Sn. Estevan de Arkansas 6 de Sbre. de 1794. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 9. Haviendose juntado los Indios de la nacion de este districto de Arkansas para recivir sus regalos, y han quejado todos los gefes diciendome que V. S. los mandaba mui pocos casos principalmente el gran gefe Guapatecas me infirrio este dho. que se havisa allado al Hyalo Ge. V. S. mando dan a los Arkansas fr. D. Pedro Rusan viendo

que lo suyo en comparacion de aquello hace muy poco me hare presente su sentimiento para que se espresice a V. S. pino que selos aumente el regalo y general de muestras chicas pa. los niños, lo que pongo a noticia de V. S. para su conocimiento. Dios gue. a V. S. ms. as. Fuerte Sn. Esteavn de Arkansas 6 de Sbre. de 1794. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 10. Participo a V. S. como no se pueden contener a los Arkansas de robar los caballos de los Arkansas y matar al ganado vacuno. Aunque los tengo hablado y reganado para este fin, lo que pongo a noticia de V. S. para su conocimiento. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas, 7 de Sbre. de 1794. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 11. Participo a V. S. como el soldado Manuel de Silva de la 4a. compa. del 1r. batn. fallecio en este puesto el dia 26 de Septre. de 1794, lo que pongo á noticia de V. S. pa. su conocimiento. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 2 de Octubre de 1794. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 12. Participo a V. S. como se necesita una drisa para el pato del hasta bandera y una quirda de quarenta y cinco pies de largo, juntamente dos cubos para sacar agua del poso. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 6 de Noviembre de 1794. Carlos de Vilemont—Sor. de Carondelet.

No. 13. Se ha conducido el pago de este fuerte lo que participo a V. S. para su inteligencia. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 6 de Noviembre de 1794. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 14. Remito a V. S. el padron de los vecinos de este districto de mi cargo. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 7 de Noviembre de 1794. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 15. Recibi la de V. S. de 1r. de Septiembre de 94, en que me dice haver tomado pesesion de la Intendencia de este Provincia el Sr. Intendente de escercicse D. Frans. Ruidon. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 16 de Diciembre. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 16. Hallandose vacante de gefe de pequeña Medalla de tercero velache de este nacion Arkansas por minuito de huiaatmonoyr, que la obtenia y dos de Gola del segundo, ritu da por fallemientos de Zenomony y pamony, siendo necesario proveerlos su Indios de cruces costumbre y fidelidad a la guerra, propongo a V. S. fiara el de pequeño medalla al gefe de Gola Cozennoparaiso y pa. los de Gola a Huahstaye y Monzoutepula pa. concurrir en mas las circunstancias y requisitos pa. este empleo. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 20 Dicre. de 1794. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 17. Participo a V. S. de haver entregado a D. Jose Borigy, una libranza contra la Contaduria de 100 ps. por trabaco para que a ellos fabrican una puente. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 26 de Diciembre de 1794. Carlos de Vilemont —Sor. Baron de Carondelet.

No. 18. Participo a V. S. como el soldado Jose Antonio Nieto, de la 7a. compa. del 2o. batallon fallecio en este puesto el dia 31 de Diciembre de 1794, lo que notician a V. S. para su conocimiento. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 5 de Enero de 1795. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 19. Participo a V. S. de haver reenganchado por ocho años mas a el Tambor de este guarnicion Luis Bonapeur, de la 3a. del 2a. a quien he dado 80 rs. de gratificacion, lo que aviso a V. S. pa. su conocimiento. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas, 20 de Mayo de 95. Carlos de Vilemont.—Al Sor. Baron de Carondelet.

No. 20. Ha llegado á este puesto el soldado de la 3a. de 2o. Tomas Lopez, en relevo del de la 7a. de dho. puesto Anto. Nuch. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 20 de Mayo de 95. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 21. Quedo enterado de lo que V. S. me expone en la suya con fecha de 1o. de Febrero po. po. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 23 de Mayo de 95. Carlos de Vilemont— Sor. Baron de Carondelet.

No. 22. Participa a V. S. haver recivido los dos partidos de los sus gefes de esta nacion Arkansas y de faltar las dos Golas medallas para sus llenas. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 23 de Mayo de 95. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 23. Participo a V. S. como estemos amendrados por algunos Chactas que se ven venir en todo Ayorte en el manera de ser hombres para atacarnos y de sacar enteramente los vilache de es esta nacion de Arkansas el disquieto que ellos hace siendo dimano de alguno remas a puentaza con los de esta nacion causado porque los Chacta violacion algunas de sus mueceys, a me selarir de aqui de bacar dicho cavallo a diferentes abitando haviendo savido que los que lassaron en las amenayas permanecieron puesto de mas en el Ovachita he allado abien de encuentre al comandante de dicho punto D. Juan Villoil sobre lo que le pungo referido a V. S. igualmente que al Capitan de guarnicion D. Juan de la Villa-boeuf lo que pongo a noticias V. S. para su inteligencia. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 28 de Junio de 1795. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 24. En mi oficio No. 12, participo a V. S. como se necesitaba una drisa para el asta de bandera una cuerda y dos cubos para sacar

agua del poso a la presente de mas hacer necesitado y haver notable falta, lo que pongo á noticia de V. S. para su inteligencia. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 24 de Julio de 1795. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 25. Quedo enterado del oficio de V. S. con fecha de su Junio de 1795. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 24 de Julio de 1795. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 26. Noticie a V. S. haver reenganchado por ocho años mas al soldado de esta guarnicion Jose Marquez de la 6a. del compa. 20, interin agmen. le ha dado ochenta rs. de gratificacion. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 1o. Octubre de Octubre de 1795. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 27. Participo pro. a V. S. como de solo. de la 3a. compa. del 1r. batallon Pasqual Benian fallecio en este puesto el 30 de Septiembre de 1795. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkanas 3 de Octubre de 1795. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 28. Remito a V. S. el padron de los vecinos de este distrito de Muscauyo. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 4 de Octubre de 1795. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 29. Recivi el oficio a V. S. con fecha de 4 de Junio del corriente á el que he dado el devido complemento segun V. S. me previene en la suya. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de 4 de Octubre de 1795. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 30. Participo a V. S. de faltar dos soldados para el completo de esta guarnicion en reemplazo de Manl. de Silva y Pascual Birian, que ambos fallecieron en este puesto. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan 5 de Octubre de 1795. Carlos de Vilemont—Sr. Baron de Carondelet.

No. 31. Recivi el oficio de V. S. con fecha 8 de Agosto, en que me dice V. S. lo que devo practicar en el caso de presurarme los Chactos. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 18 de Diciembre de 1795. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 32. Participo a V. S. de haver enganchado de por 8 años mas al soldado de la 4a. compa. de 1r. baton. Prudo. le Eruy, a quien he dado 80 rs. de gratificacion. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 12 de Diciembre de 1795. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 33. Recivi el oficio de V. S. de fecha de 19 de Octubre de 1795, á el que he dado el devido complemento. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 29 de Febrero de 1796. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 34. Segun el oficio de V. S. de 21 de Dic. de 95, en el que me

dice V. S. de suministrar al comandante de la galera la Louisiana D. Juan Marilzuigue lo que necesitare, devo decir a V. S. como el 25 de este a parado en puerto la embarcadura de esta vimos lo que primera no han necesitado de nada. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 29 de Febrero de 1796. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 35. Con igual fecha ha recivido el oficio de V. S. en el que me dice V. S. que siempre que los Indios continuasen robar cavallos a los habitantes podre en estos hacer fuego sobre ellos, pues sinembargo me atengo á la posterior de V. S. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 19 Mayo de 1796. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 36. Concurriendo en este puesto tantas naciones de Indios siendo los excesos y robos que cometen á cada instante sin temor alguno por la poca guarnicion y el quedando en este muy pocos hombres en tiempo de casa como todos ellos son cazadores, juntamente he anunciado en la antepasada de los 3 cañones hay dos montados y estos estan sino de escarrabajo el oido tan grande que sale el tiro por ellos por ser muy sinusos y cansados todo de borra, de los 3 podemos solamente uno puede hacer fuego sin trago á todo hizo el estado indefensa de este este fuerte por hallarse interamente podrido toda la estacada que al menor impetu del resiente caer á fuera, lo que participa a V. S. para su inteligencia. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 2 de Abril de 1796. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 37. En lo qne tengo referido a V. S. en mi oficio No. 36 sobre la estacion de este puesto y lo indefenso que se alla por su total ruina. Devo exponerle a V. S. que en el caso que se aya de mudar me parece que sera mejor retirarla a dos possessiones mas adentro de donde se alla por el continuo de bules de la vivara sobre este canada para cuyo fin si muestre derribar la casa del comandte. Inaueb. Almazen y renovar algunas piezas que hay podridas en estos edificios. He dicho juntar los que se allan mas aptos y poder para contraer la conduccion suficiente, se obligan hacer la estacorda del dicho fuerte de cipre labrada a quatro caras de 7 pulgadas en quadro 15 pies de largo de punto 12 para de la tierra y 3 demas un liston alrededor, y un clavo de ocho pulgadas de largo en cada estaca, una banquilla al contorno los dos esplanadas de los dos reductos ocho troneras con su puntura para dentro y paradera, una puerta grande puntillo, gonzes y cerraduras competentes, asta de bandera, un pozo obliqueador, juntamente hacer la dicha casa cuartel y almacen por el prisco de S. ps. sera indispensable que V. S. me mande 4 cañones de á 4 con sus cureñas, 13 pedreros de los que hai los fue nos de poco que servir a incantar de cupar la apunteria por medio de sus abusos—haciendose como se la esponga a V. S. sera una obra para muchos años y el nuevo costar a S. M. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan

de Arkansas 2 de Abril de 96. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 38. En virtud del oficio a V. S. con fecha de 15 de Febrero de 96. Devo exponerle á V. S. como haviendo recorrido los recivos que existen en los archivos de esta a favor de Pedro Ritor solamente quedan 1 trck de sus senderos y de estos tan solo dos han satisfecho a sus recivos, el uno es de 110 y el otro de 10 pesos, los que hacemos yendo ir Duchaisin Rayonnes los cinco restante estan en la imposibilidad de poder satisfacer á sus dudas por no tener Bruno Basiex responsables: a la otra que se podia recoger alguna cosa he entregado al dicho apoderado. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 3 de Abril 96. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 39. No encomunicados en este puesto ningun alarma a la enfermedad que padece el cavo 2o. de la 2o. del 1a. Arma. Paenton, he determinado remitirlo a esa capl. pues ademas de su enfermedad se alla cumplido desde el 23 de Junio de 95, la que base necesarias a V. S. para su conocimiento. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 7 de Abril de 96. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 40. He dado cumplimiento al oficio a V. S. de fecha 12 de Febrero de 96, concerniente al gran gefe de esta nacion de Arkansas Ouapatissary. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 30 de Abril de 96. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 41. En virtud del oficio de V. S. de 28 de Abril de 96. Devo informar a V. S. como despues de haver tomado a el cabry los dos solo que de allasen destinada en el mes de Marzo en la estocadura situ Isla de la rivera Blanca las infruciacion que V. S. me expresa no he podido justificar bien correcto de semejante escusa estas de relovarse cada unas a su regreso a este el sauya. Es yo estuviese prometes y nunca conosco visto tuve cosa alguna. Por lo que toca al Tucuyor. que tengo a mi cargo, digo a V. S. que nunca toda ausentado de este puesto pa. el dho. distin. ninguna parage alguno este es el motivo porque no la manda a la capital, como me lo dice V. S. en la suya. No dudo y puede ser muy fortible que algunas personas succede en alguna paraque hallandose necesitado a V. S. vera hayan ni olvidado el nombre de janya. y solo pa. con mas fucitidad lograrlo que necesitaban no existise mas en el Distacr. que una cama y la tropa que ariron suyo mensionado tengo duro las rudin de matar con la mayor dulzura a los que pasan por el Destac y nunca mandando la menor favorios propicia varios a su enbaucaiscrur, que han suisa de este. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 31 de Mayo de 1796. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 42. Haviendo acaesido un fuerte venturon con el que cayeron varios estacas de este fuerte y ovras quedaron procuros a la misma

en virtu de ello despues que se compusieron y reemplazaron los caidos con cien estacas que ha submurado Juan Bautista de Busimenie por 15 ps. de los cuales se ha despachado calificacion de cuenta contra mis gl. cajas—he que participo a V. S. en complemento en mi obligacion. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 1r. Junio 1796. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 43. Se anticipa a V. S. de pasar a ese capital a tomar sus terenisas los dos soldados Alexandro Bridon de la 7a. de 1r. y Tomas Lopez de la 3a. del 2o. por haver llegado en sus relevos Luis Clemot y Franco. Gavia, ambos de la 3a. del 1o. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 3 de Junio 96. Carlos de Vilemont —Sor. Baron de Carondelet.

Los habitantes de este puesto dirigue al Illmo. Sor. Obispo con mi conocimto. por mano de su cura Lino Co. un memorial solicitando este conmigo por cuenta de S. M. un templo donde pueden asistir a los Divinos oficios con la devocion que estos requieren, y que pueda concurrir mayor numero de personas que la reducida sala de la casa de Sr. Cura donde case se celebran y como costo por avante puede avenidir recorrer me han informado los que pueden comprender esta obra a 1600 pies lo que pongo en noticia de V. S. como devo. Dios gue. a V. S. ms. as. Fuerte de Sn. Estevan de Arkansas 26 de Septiembre de 1796. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 44. He procurado continuar con esa oportunidad indagar qual sera los que abandonasen al chalan americano de que V. S. me intima en sus oficios de 26 de Abril y 6 de Julio de este año, y nada he podido descubrir que el mas minucioso indicio de que havia sido los soldados y cavo que se hallan en el Distacamto. de la Vivara blanca locuro porque no convienen las siuau de la peragüe y numero defensiva con las que se hallen en aquel Distacamn. y la 2a. porque formar el saugn. bandido decir, puesto ademas que enco fuese deficil de haver—Calado entretanto un robo de esa naturaleza fuese de que no sera haviendo ocupado tuviste del carne de lionina que no podian esplicar inclinado de su camra. dondo no truilion no lo que mi confirma en las razones que espresa a V. S. en mi oficio No. 41. V. S. puede disponer lo que sea de su agrado en ese particular. Dios gue. a V. S. ms. as. Fuerte de Sn. Estevan de Arkansas 25 de Octubre de 1796. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 45. Quedo enterado del oficio de V. S. de 1o. de Julio, en que me manda no adecuata en esta fuerte mas colonas que los que pueden estar se complen en la Areacularia cuidando con particularidad de que los americanos no se introdusca en ella con motivo y a cuya cuidar darse el mas devido complemento. Dios gue. a V. S. ms. as. Fuerte de Sn. Estevan de Arkansas 25 de Octubre de 1796. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 46. Haviendose presentado en este puesto Anton Glas de nacion Americano, con un pase para ir de Natchez en que se permitia venir

a carnear a entrar recoger con una piragua con ocho de mercancias y hombres, en conformidad y complemento de la orden que en oficio de 1o. de Julio se servia V. S. comunicarme, demande se reconviese a la Nogales de donde maiss havia partido para su efecto. Rogi el para pone que naid de Natchez que le done para aquel puesto por sin atencion aviso prevenirme partio de aqui y se introdusco por la vivira blanca con muicara parte dever Ruinoso guma parada de Indios Choctan Lucege que lo vise despache emargamenor. una Ponzue con orden distante para ese punto por la mucha deluvena que havia impina perdian alcanzarle antes de acavan suireins la pirigue que despache. No he tomado el partido de embrace en su seguido cazadores por tener cuando mui persuadido demora deferir pronuncia facilmte. y que havia compro merece con los chactan a los demas cazadores blancas, esparcidos por la lanura y cuyo prudente partido espero sea de la aprobacion de los presidiendo en poner de la persona dicho glen que seguidamte. regresaron a Natchez o Nogales concluido su negocio y demas le puedo amonestar la reventa a disposicion de V. S. confiscando sus efectos para que V. S. dispone dueno y aun como halle mas conveniente. Dios gue. a V. S. ms. as. Fuerte de Sn. Estevan de Arkansas 25 de Octubre de 1796. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 47. Quedo enterado de la noticia de paz hecho entre S. M. y la Republica Francesa que V. S. me dice en oficio de 2 de Julio y que no recivio en el oficio de No. de Junio que V. S. me cita cuyo intacto hizo pnblicar a son de caxa con las formalidades ordinarias. Dios gue. a V. S. ms. as. Fuerte de Sn. Estevan de Arkansas 25 de Octubre de 1796. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 48. Quedo enterado del oficio recivido que V. S. me decian con fecha de 16 de Septiembre y puede V. S. estar muy persuadido de que vigilaria con el mayor esmero, no sceuhoduscio en este puerto el nombrado otorgante la decia en alguno de en pretendernos y en el caso de aprehender alguno de ellos lo remitiria a la capital bien asegurado sin venturar de sus passe les como V. S. me lo previene indalado oficio. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 25 de Octubre de 1796. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 49. El Ingl. extraordinario Dn. Juan Ma. Pindrex en contred del para poner de V. S. que me dice prometido ha concluido las spenaciones de que se hallavan encargado en esse puerto y levantado el plano del, que lleva consigo de la que dispondre a V. S. como debo. Dios gue. a V. S. ms. as. Fuerte de Sn. Estevan de Arkansas de Octubre de 1796. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 50. Dirijo a manos de V. S. el padron del año presente de 1796, hasta fin del conciso noticia de la produccion de organizacion en el mismo. Dios gue. a V. S. ms. as. Fuerte de Sn. Estevan de Arkansas de Octubre de 1796. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 51. He hecho saber de estos habitantes la orden de V. S. de 12 de Octubre de 96, pro avisandole el bando con las naciones Chata Cluchas y puesto en la ribera occidental del mumpe lo que noticia a V.S. para su conocimiento. Dios gue. a V. S. ms. as. Fuerte de Sn. Estevan de Arkansas 20 de Diciembre de 1796. Carlos de Vilemont—Sr. Baron de Carondelet.

No. 52. He puesto por obra el corte de las maderas para el Fuerte por contrata hecha al principio que me premia 16 V. S. en la oficia de 3 de Noviembre de 96, por presurarme mas combiene de por la postra excersion. Dios gue. a V. S. ms. as. Fuerte de Sn. Estevan de Arkansas 24 de Diciembre de 1796. Carlos de Vilemont—Sor. Baron de Carondelet.

No. 53. Antes de salir de esta el Ingo. Dn. Juan Ma. Perchet me con vino con el y haviendo la mayor parte de las estacadas de este fuerte alladas podridas determinemos mandar contar 100 estacas para el reemplazo de las podridas y caedas el maestro Juan Bautista Divanseaux me las obsumanananba por el precio de 15 ps. de lo cual he despachado certificacion de credito contra las Rs. caxas, lo que participo a V. S. para su conocimiento. Dios gue. a V. S. ms. as. Fuerte de Sn. Estevan de Arkansas 6 de Febrero de 1796. Carlos de Vilemont—Señor Baron de Carondelet.

No. 54. Participo a V. S. de mandar dos libranzas con una hizo librar como una a favor de D. Andres Fugot de lo subministrado a dos partidas de Indios de la nacion Osages que binieron a ese puesto en los meses de Julio y Sept. de 96, cuyo relacion se darian y entera a favor de Franco. Herbon de 10 ps., por una piragua que he comprado para el servicio de la tropa destacado en la embocadura de la Vivara Blanca. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 8 de Marzo de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 55. Recivi el oficio de V. S. con fecha de 16 de Diciembre de 1796, lo que hecho publicar para conocimiento de todos los habitantes de este puesto observar exactamente lo que a V. S. me previene en ello. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 11 de Marzo de 1797. Carlos de Vilemont—Al Sr. Baron de Carondelet.

No. 56. Participo a V. S. como todo la madera que V. S. me menciona en su oficio con fecha de 9 de Noviembre de 1796, esta toda cortada solamente se guarda la suvida de la Vivira para transportarla al parage de su destino, igual caso de no subir la Vivira la conduccion se consulta por ser distancia de tres leguas largas. Retirada lo que noticio a V. S. para su determinacion. Dios gue. a V. S. ms. as.—Fuerte de Sn. Estevan de Arkansas 14 de Marzo de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 57. Participo a V. S. de pasar por esa capital para granaderos los soldados Luis Clemot y Diego Busto, por tenerlos pedido el sar-

gento mayor del Regimiento D. Juan Gareton. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 14 de Marzo de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 58. Noticia a V. S. de haverme dado de liceacia absoluta el soldado Juan Cavernora, por haberla recivido del sargento mayor D. Juan Gareton. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 14 de Marzo de 1797. Carlos de Vilemont—Al Sr. Baron de Carondelet.

No. 59. Participo a V. S. de faltar cinco soldados y un cavo 2o. para el completo de esta guarnicion, por bajar a esa capital dos soldados para granaderos Luis Clemot y Diego Busto, haver usado de licencia absoluto el cavo 2o. Antonio Paulin y el soldado Juan de Cavernora, y el fallecimiento de los dos soldados Manuel de Silva y Pascual Bucain, segun lo he participado a V. S. en mi oficio No. 30, cuyos relevos no los han imbrudos. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 14 de Marzo de 1797. Carlos de Vilemont—Al Sr. Baron de Carondelet.

No. 60. He recivido el dia 3 de Abril de 97, del Sor. Gobernador de Natchez el oficio seguiente. Al momento que Vd. recivi una orden del Sor. Comandante General de esta Provincia despacharia un propio con la mayor ligereza posible para que contado bondad intimar los asuntos al Comandante de nuevo de Madrid, siendo de la mayor importancia para su puesto el genero de prender un instante a el que he dado el devido complemento embiandome propio el mismo dia de su recivo, dandole ochenta pesos por su viage libranza he entregado a Baptista Danderue que es el interesado para que sea pagado por orden Reales cajas, segun participo a V. S. para su inteligencia. Dios gue. a V. S. ms. as. Fuerte de Sn. Estevan de Arkansas 24 de Abril de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 61. Con la primicia se hacen oportuno los sesenta y cinco pesos en pertenecia que he cobrado de Franco. Peltein para entregar a Miguel Homer el suyo como me dice V. S. en mi oficio de 30 de Marzo de 97. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 26 de Abril de 1797. Carlos de Vilemont—Al Sr. Baron de Carondelet.

No. 62. Quedo enterado del oficio de V. S. de 30 de Marzo de 97, acerca de las certificaciones que participo a V. S. en mi oficio No. 54. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 2 de Mayo de 1797. Carlos de Vilemont—Al Sr. Baron de Carondelet.

No. 63. En oficio de 5 de Marzo me comunica V. S. la venida a este puesto del capataz de presidarios Franco. Rivas para la obra de fortificacion de todo lo que quedo enterado y dare complemto. en todos sus partes. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 27 de Mayo de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 64. El 25 del presente mes ha llegado a este puerto el capataz Franco. Rivas abordo del lanchon el Fuerte, que viene a las ordenes del subte. Go. D. Rafael Croguen y se que viaje para Sn. Fecundo de las Barancas por la misma 5 carros he recivido las municiones y pertrechos de guerra como avinieron los materiales y encomiendos de que viene echo cargo dho. prime de todo lo que intimacion a V. S. mas por extenso los adjuntos documentos. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 27 de Mayo de 1697. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 65. He recivido el oficio de V. S. de 5 de Marzo en el que me presente V. S. recivir el pegeron de esta campa. que sumamente sobre el V. S. a cuyo orden he dado el debido complemento. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 27 de Mayo de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 66. La adjunta relacion intimaria a V. S. de las maderas que se necesitan para las obras de fortificacion y composicion de la curve que dumpo las quales me han dicho Franco. Rivas como asimismo del importe de ellas lo que participa a V. S. para su inteligencia. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 29 de Mayo de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 67. Como algunas piezas de las que forman las paredes del cuartel se hallan rompidos mande a Franco. Rivas para con dos carpenteros a comenzado y me ha hecho presente que para la composicion de dicho quartel es indispensable el componerlo y para este efecto se necesitan las piezas de madera que lleva la adjunta relacion y he mandado contar el precio que a continuacion de ellas se especifica lo que participo a V. S. para su devido conocimiento. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 30 de Mayo de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 68. Con esta fecha se han principiado los Rs. obras de fortificacion y en virtud de que Franco. Rivas me ha hecho presente se necesita para dicha obra seis hachas 12 palas y 12 azadas de las ruego pedidas al Sor. Gobernador de la plaza de Natchez D. Manuel Gayoso de Lemos por no ha en este podido encontrar en este puesto todo lo que participo a V. S. para su devido conocimiento. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 5 de Junio de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 69. El capataz Franco. Rivas me ha pedido lo que contiene la adjunta nota y ha de merecer de V. S. se me manda se me remita en la primera ocasion oportuna. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 6 de Junio de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 70. He recivido el oficio de V. S. de 12 de Abril pa. en el que me comunica el permiso que V. S. las ha dado para establecerse con las Arkansas mismas sus mas aldeas a el so de Wlayacube Welyabe

con su less el he hecho y ebrincar fulsom a los quales no pondre embarazo para ello como V. S. me previene en el mencionado oficio. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 1 de Junio de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 71. El dia 5 del presente a las tres de la tarde llego a la boca de la Rivera Blanca Alexandro Murdok y tres remeros en un canoa chata de su pertenencia cargado de 139 barriles de harina, en dho. para que havia mandado tres soldados para que guarde bajare algun harina preguntaria el amo de ellas se le queria vender y ire un cavo lo condujiese a mi presencia para que me ablase, pues me hallava bastante escasa de arina para el consumo de la guarnicion de mi cargo, y al mismo tiempo me he vino obligar a subministrar la racion para dos meses de licencia a la tripulacion del lanchon nombrado el Juan que averigado viage para Sn. Fernando de las Barancas por dichos soldados han sido que la misma tarde que llego aqui dicho navio chata el Auc-diel le dio algunas lomilla de Wirguer anna partido de Indios Arkansas que a la sazon salian de empesar conduccion a el mercado de las Barrancas, no obstante la prevencion que les havian hecho los soldados para que por ningun motivo les dieron bebida por los permisos que hacian despues de berber el dia siguiente estuvo esos Indios abordo del varco chata, le pedieron un poco harina este se les dio y un se bribon les robo con un barrilito de la misma bebida que venia y se fueron del barco conseare tiroamre. avec le pido a el soldado que se hallase abordo su piragua para suvir al puerto en se la dice y le dijo que le conduxera el mismo para que no se perdiese en el camino a este le respondio que no era necesario que les diese las sens por donde venia de mui bien que el se sube con sus remeros y que le de favor aun conducto el buque. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 27 de Junio de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 72. Remite a V. S. la adjunta relacion de la artilleria y demas pertrechos de guerra que existe en este puesto con especificacion de con todo en que se halla como me de prevenir V. S. en su oficio de 11 de Mayo de 97. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 10 de Agosto de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 73. Daria el mas exacto complemento al oficio de V. S. de fecha de 2 de Junio proximo pasado no permitiendo ningun tratante en cursador el mas minimo trato con la nacion Osage. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 10 de Agosto de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 74. Haviendo hecho comparecer ante mi a Pedro Lefebre para noticiarle lo que V. S. me previene en su oficio de 3 de Junio de 97, se ha obligado a satisfacer dicha cantidad por fin de Diciembre de este año. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 14 de Agosto de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 64. El 25 del presente mes ha llegado a este puerto el capataz Franco. Rivas abordo del lanchon el Fuerte, que viene a las ordenes del subte. Go. D. Rafael Croguen y se que viaje para Sn. Fecundo de las Barancas por la misma 5 carros he recivido las municiones y pertrechos de guerra como avinieron los materiales y encomiendos de que viene echo cargo dho. prime de todo lo que intimacion a V. S. mas por extenso los adjuntos documentos. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 27 de Mayo de 1697. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 65. He recivido el oficio de V. S. de 5 de Marzo en el que me presente V. S. recivir el pegeron de esta campa. que sumamente sobre el V. S. a cuyo orden he dado el debido complemento. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 27 de Mayo de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 66. La adjunta relacion intimaria a V. S. de las maderas que se necesitan para las obras de fortificacion y composicion de la curve que dumpo las quales me han dicho Franco. Rivas como asimismo del importe de ellas lo que participa a V. S. para su inteligencia. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 29 de Mayo de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 67. Como algunas piezas de las que forman las paredes del cuartel se hallan rompidos mande a Franco. Rivas para con dos carpenteros a comenzado y me ha hecho presente que para la composicion de dicho quartel es indispensable el componerlo y para este efecto se necesitan las piezas de madera que lleva la adjunta relacion y he mandado comar el precio que a continuacion de ellas se especifica lo que participo a V. S. para su devido conocimiento. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 30 de Mayo de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 68. Con esta fecha se han principiado los Rs. obras de fortificacion y en virtud de que Franco. Rivas me ha hecho presente se necesita para dicha obra seis hachas 12 palas y 12 azadas de las ruego pedidas al Sor. Gobernador de la plaza de Natchez D. Manuel Gayoso de Lemos por no ha en este podido encontrar en este puesto todo lo que participo a V. S. para su devido conocimiento. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 5 de Junio de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 69. El capataz Franco. Rivas me ha pedido lo que contiene la adjunta nota y ha de merecer de V. S. se me manda se me remita en la primera ocasion oportuna. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 6 de Junio de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 70. He recivido el oficio de V. S. de 12 de Abril pa. en el que me comunica el permiso que V. S. las ha dado para establecerse con las Arkansas mismas sus mas aldeas a el so de Wlayacube Welyabe

con su less el he hecho y ebrincar fulsom a los quales no pondre embarazo para ello como V. S. me previene en el mencionado oficio. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 1 de Junio de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 71. El dia 5 del presente a las tres de la tarde llego a la boca de la Rivera Blanca Alexandro Murdok y tres remeros en un canoa chata de su pertenencia cargado de 139 barriles de harina, en dho. para que havia mandado tres soldados para que guarde bajare algun harina preguntaria el amo de ellas se le queria vender y ire un cavo lo condujiese a mi presencia para que me ablase, pues me hallava bastante escasa de arina para el consumo de la guarnicion de mi cargo, y al mismo tiempo me he vino obligar a subministrar la racion para dos meses de licencia a la tripulacion del lanchon nombrado el Juan que averigado viage para Sn. Fernando de las Barancas por dichos soldados han sido que la misma tarde que llego aqui dicho navio chata el Auc-diel le dio algunas lomilla de Wirguer anna partido de Indios Arkansas que a la sazon salian de empesar conduccion a el mercado de las Barrancas, no obstante la prevencion que les havian hecho los soldados para que por ningun motivo les dieron bebida por los permisos que hacian despues de berber el dia siguiente estuvo esos Indios abordo del varco chata, le pedieron un poco harina este se les dio y un se bribon les robo con un barrilito de la misma bebida que venia y se fueron del barco conseare tiroamre. avec le pido a el soldado que se hallase abordo su piragua para suvir al puerto en se la dice y le dijo que le conduxera el mismo para que no se perdiese en el camino a este le respondio que no era necesario que les diese las sens por donde venia de mui bien que el se sube con sus remeros y que le de favor aun conducto el buque. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 27 de Junio de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 72. Remite a V. S. la adjunta relacion de la artilleria y demas pertrechos de guerra que existe en este puesto con especificacion de con todo en que se halla como me de prevenir V. S. en su oficio de 11 de Mayo de 97. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 10 de Agosto de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 73. Daria el mas exacto complemento al oficio de V. S. de fecha de 2 de Junio proximo pasado no permitiendo ningun tratante en cursador el mas minimo trato con la nacion Osage. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 10 de Agosto de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 74. Haviendo hecho comparecer ante mi a Pedro Lefebre para noticiarle lo que V. S. me previene en su oficio de 3 de Junio de 97, se ha obligado a satisfacer dicha cantidad por fin de Diciembre de este año. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 14 de Agosto de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 75. Participo a V. S. haver comprado 100 minotes de trigo para el establecimiento del huchasas a razon de quatro pesos cada un minote, los mismos que havido entregados al Marques de Maygon Prouge entonces bien acondicionados segun V. S. me previene en su oficio de 7 de Junio de 97, haviendo visto el dicho Marques le intima dable del camino para conducirlo por tierra a resulta llevarla por agua hasta su establecimiento. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 28 de Agosto de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 76. He recivido el oficio de V. S. de fecha de 27 de Junio de este año, con la adjunta concesion que se deve haver a las Familias Americanas que en el se expresa. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 28 de Agosto de 1797. Carlos de Vilemont —Al Sor. Baron de Carondelet.

No. 77. Deviendo informar a V. S. de la solicitud hecha por la tropa de este destacamento segun V. S. me previene un su oficio fecha de 20 de Julio de 97. Digo que he seguido el regimen de manutenciones suministrar dichos veinte libras de ammon y dos de la sal me ven almn. bien entendido que el ultimo dia de cada mes se les ajusta la cuenta y se les cargo el valor de dicho racion y aquello que cada individuo alcanzase necesitandoles a razon de abono en su mano para que con dicho alcance traeran los Indios lo que necesitan para su manutencion por ser este el unico govierno que se pueden seguir pues es este un fuerte que no ha conoceria fraudar aventurero que vender necesitaria de ninguno calidad para ningun precio, aqui formarseles el so convido con racion de aumenta para no haver al Mayor del Rey ni guarda almacen para que la suministra a lo que me parece son la mui conbeniente mediante el parecer de V. S. socorrer esta guarnicion con la dicha racion de de al media dia segun se lo suplican a V. S. sus individuos, pues con ella serian mas bien mantenidos y con menos costo que el que ahora tienen por haver ocasiones que por materia cuasi de nada traeran viveres y otros seres reparen los meses sin poder conseguir uno que nos, y es este el motivo de parase al guia es carecer lo que participo a V. S. para su determinacion. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 31 de Agosto de 1797. Carlos de Vilemont—Al Sor. Baron de Carondelet.

No. 78. Participo a V. S. haver pasado a las Reales Caxas de la Nueva Orleans la libranza del importe del trigo que se ha comprado el establecimiento del huchitos y una de quince pesos para la mantencion de cinco hombres a orden de quatro de Mayor Rouge para conducir el dicho trigo a su destino. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 3 de Octubre de 1797. Carlos de Vilemont —Al Sor. Baron de Carondelet.

No. 79. Pasa a esa capital a incorporarse al tiempo el sargento 2o. de la 5a. de 2o. Antonio Gallegos con motivo haver acendide a carreton. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas

12 de Octubre de 1797. Carlos de Vilemont—Al Sor. Don Manuel Gayoso de Lemos.

No. 80. Participo a V. S. de haver fallecido en este puesto el dia quatro del mes de la fecha el soldado de la Infanteria del 2o. Franco. Govr. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 9 de Noviembre de 1797. Al Sor. Don Manuel Gayoso de Lemos.

No. 81. Remito a V. S. el padron de los habitantes de este puesto por fin de Diciembre de este año. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 14 de Noviembre de 1797. Carlos de Vilemont—Al Sor. Don Manuel Gayoso de Lemos.

No. 82. Remito a V. S. el inventario y testamento de los bienes del difunto Capitan D. Josef Valiere, los que quedan en poder de su viuda Da. Manuela Felicidad de Miraut, segun V. S. me previene en la suya fecha 15 de Sbre. de 1797. Fuerte Sn. Estevan de Arkansas 30 Enero de 1798.

No. 83. Con motivo de haver finalicido los trabajos de este puesto pasa a ese capital el sobrestante de obras Francisco de Rivas con el que remito la lista, relaciones y demas documentos pertenecientes a la reedificacion del mencionado, lo que participo a V. S. para su conocimiento. Dios gue. a V. S. muchos años. Fuerte Sn. Estevan de Arkansas 27 de Febrero de 1798. Al Sor. Manuel Gayoso de Lemos.

No. 84. Participo a V. S. de pasar a las Reales cajas de la Nueva Orleans su libranza para el importe de la madera que se han usado para este puesto y una por lo subministrado al gran gefe de la nacion clucaches Wualayacabe que ha venido à este puesto con una portada suya. Dios gue. a V. S. muchos años. Fuerte Sn. Estevan de Arkansas 27 de Febrero de 1798. Al Sor. D. Manuel Gayoso de Lemos.

No. 85. Participo a V. S. de estar la bandera de este puesto tan sumamente pasada y podrida que al menos impetu de viento se caen los pedazos à tierra. Dios gue. a V. S. muchos años. Fuerte Sn. Estevan de Arkansas 27 de Febrero de 1798. Carlos de Vilemont—Sor. Dn. Manuel Gayoso de Lemos.

No. 86. Participo a V. S. de enbiar a esa capital el soldado Manuel Marino respecto hallar impossibilitado hacer el servicio por su enfermedad y no encontrar en este puesto remedios para su mejoro. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 13 de Mayo de 98. Carlos de Vilemont—Sor. D. Manuel Gayoso de Lemos.

No. 87. Je me conformiras au continuo de se que V. S. me mooy correcta, billa de 23 Juni dernir concurrent Minis. la franche-file al los nominis derins Montbron Ahasu planens vors sons comins inferencia de Deul. Dios vm. en la santa guarda, au fuerte St. Chroinies dos Arkansas de 24 Mars 1798. Carlos de Vilemont—A Mon Sr. Gronin-Guierol.

No. 88. Para dar complemento al oficio a V. S. de Bulnas de 98,

he hecho concurrir ante mi de Juan Bautista Dusouchu habitante de este puesto es del que amoneste y le entrega que de sindir de V. S. de enterar los escandalos del puesto al que obliga y otorgo a hacerse inmediatamente Juan Barros Dugilu de unico por sacramento del manuas, hasta a servir la de — rs. Dios gue. a V. S. ms. as. Fuerte Sn. de Arkansas 23 de Mayo de 1798. Carlos de Vilemont—Sr. D. Manuel Gayoso de Lemos.

No. 89. Recibi el oficio a V. S. de 25 de corr. de 98, con el adjunta nota indulto. Ds. gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 23 de Mayo de 1798. Carlos de Vilemont—Sr. D. Manuel Gayoso de Lemos.

No. 90. Participo V. S. haver reenganchado por 8 años mas a el soldado de la 3a. del 1o. Franco. Juanes que se hallaba cumplido del dia 13 de Agosto de 1796 y haver recibido 80 rs. de gratificacion. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 23 de Mayo de 1798. Carlos de Vilemont—Sr. D. Manuel Gayoso de Lemos.

No. 91. Remito con Dn. Josef Boufi los 79 pesos en pitreria para entregar a Miguel Homer el ciego como el anterior de V. S. me lo mando en su oficio de 30 de Marzo de 1797 por lo que le daria Francisco Peltie al dicho Miguel Homer. Dios gue. a V. S. muchos años. Fuerte Sn. Estevan de Arkansas de 23 de Marzo de 1798. Carlos de Vilemont—Al Sr. Dn. Manuel Gayoso de Lemos.

No. 92. Luis Jardclar vecino de este puesto me ha encargado un memorial en el que le suplica y pide a V. S. el permiso para tratar en la Vivira con los cavaseria de este invasion a la que devo informar a V. S. que para cortar los abusos y malos tratos introducidos en ella para evitar que con el nombre de casadores poseen el permiso para cuyo en ella y a lo que tratan hara acerge la peleteria que truecan por venido los dichos casadores para el pago de los de los comerciantes de este puesto que les adelantaban los que menos habia para los carpendres y haviendose tan de que este hara sino uno de los que usaba sobre lo que han hecho todo los tratantes de este puesto un haverse segun V. S. podra entender por la adjunta copia que remito a V. S. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 31 de Marzo de 98. Carlos de Vilemont—Sr. D. Manuel Gayoso Lemos.

No. 93. Recibi el oficio de V. S. con fecha de 24 de Abril de 1768 al que no he podido dar el devido complemento por no encontrarse en este puesto algunos de los tratantes ni ninguno de los cazadores espero el regreso de ellos para comunicarlos la orden de V. S. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 15 de Junio de 1798. Carlos de Vilemont—Al Sr. D. Manuel Gayoso de Lemos.

No. 94. Participo a V. S. haverle dado el permiso a Luis Taidilat para subir a la casa de que V. S. me mande en su oficio de 24 de Abril de 1798. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de

Arkansas 15 de Junio de 1798. Carlos de Vilemont—Al Sor. Don Manuel Gayoso de Lemos.

No. 95. Dare el devido complemento al oficio de V. S. con fecha de 14 de Abril de 1798. Dios gue. a V. S. muchos as. Fuerte Sn. Estevan de Arkansas 15 de Junio de 1798. Carlos de Vilemont—Al Sor. Dn. Manuel Gayoso de Lemos.

No. 96. Para dar cumplimiento al oficio a V. S. con fecha de 24 de Abril de 98, hise juntar a todos los tratantes y casadores de este puesto y se eligieron dos de cada clase, estos imponian las penas siguientes a los que contravenieron a las ordenes que en el se contiene. Primeramente, que el casador que hiere algunos granos ó comestibles con la mira de tratarlas en la vivira sufrira la pena de un mes de prision y 25 pesos de multa, y el comerciante que havia dado los mercancias para tratarlos por su cuenta lo de 3 meses de prision y 500 pesos de multa, en el caso que el casador no deva al mercante por quien haya sido equipado mas que cien pesos, tenga el dicho casador por 300 cuotos no podra el dicho mercante tomar mas que los 100 pesos que le deva dejando lo restante para pagar las deudas antiguas y a los contraventores se los impone la pena que arriba se merecieron tenido la obligacion del tratante el dilatarla para quedar al abrigo y de dar parte a el Comte. de la cantidad que le haya restado para que este haga satisfaccion las deudas atrasadas por su antiguedad, el casador que se pone escondidos en el monte algunos efectos de los que traiga para satisfacer su equipador sufrira la pena mencionada su determinacion. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 15 de Noviembre de 98. Carlos de Vilemont—Al Sor. Dn. Manuel Gayoso de Lemos.

No. 97. He hecho comparecer ante mi a Ebenezar Wilson el que confeso y reconocio en legitimo la deuda que expresa el vale que V. S. me ha remitido en la suya con fecha de 20 de Agosto de 98, y por no tener a la presente mas bienes que las deudas que tiene contraido con los yrd. se ha obligado a remitir por el apoderado Juan Rhea lo es Carlos Refeld la cantidad de 200 pesos y lo restante lo hiso remitiendo confirmado lo larger recopiado de los ynd. Al mismo le intime de orden de V. S. el modo que havia de tener de comportarse y conformarse con las reglas establecidas en este puesto o no de lo contrario lo hare salir de el—vigilase con el mas exacto cuydado que ninguno toque cavallos de este puesto para llevar notificacion con el americano. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 20 de Noviembre de 98. Carlos de Vilemont—Sr. D. Manuel Gayoso de Lemos.

No. 98. Remito a V. S. el padron de los habitantes de este puesto de Diciembre de este año. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 31 de Diciembre de 98. Carlos de Vilemont—Sr. D. Manuel Gayoso de Lemos.

No. 99. Remito a V. S. la adjunta relacion de la artilleria y demas

pertrechos de guerra que existe en este puesto con especificacion del estado en que se halla. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 31 de Diciembre de 98. Carlos de Vilemont—Sr. D. Manuel Gayoso de Lemos.

No. 100. Pasa a esa capital el soldado Isidro Ortega por hallarse enfermo de dolores y carecer en este puesto de remedios para su enfermedad. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 15 de Enero de 99. Carlos de Vilemont—Sr. D. Manuel Gayoso de Lemos.

No. 101. Participo a V. S. como una perdida grande de la nacion Osage a tenido sobre este rivera la que se dividio en las la primera encontro a quatro casadores de este puesto les quitaron dos cambrues sus mantas potrotu balas y demas efectos que tenia para huido la segunda robo a diferentes casadores del mismo fuerte y cinco cavallos y la tercera mato á un Indio de la nacion Absna que todo lo que comunica a V. S. para su inteligencia. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 20 de Abril de 1799. Carlos de Vilemont —Sr. D. Manuel Gayoso de Lemos.

No. 102. Acabo de saver como una partida de trish hombres de la nacion Chiachas han matado á una muyer Osage hacia de la rivera blanca en la purdia colorada lo que participa a V. S. para su conocimiento. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 20 de Abril de 1799. Carlos de Vilemont—Sor. D. Manuel Gayoso de Lemos.

No. 103. Pasa a esa capital el Gran Gefe de esta nacion Arkansas Coris-Noussins compañado de su sequito Uguis-huraydis con varios dos de sus gen eroyo para ruch, dar la mano y saver de V. S. su determinacion de lo que dever haser con la nacion Osage los que se iniquisation agravisados con la dicha nacion a un sobrino del dicho gran gefe el año pasado, suplicacion a V. S. en ver si es posible dar les un ameno pagado por el prez, para las composiciones de sus buena por el motivo se hayan eran atacados por alguna nacion la mayor parte de ellos las tienen desconpenuta y no tener posible para pagar las confiscaciones de sus curries. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas de 20 de Abril de 1799. Carlos de Vilemont—Sr. D. Manuel Gayoso de Lemos.

No. 104. Dare el mas exacto complemento á los oficio de V. S. de Febrero de 99, y el de 4 de Abril del mismo. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 31 de Mayo de 1799. Carlos de Vilemont—Sr. D. Manuel Gayoso de Lemos.

No. 105. Participo a V. S. de haver reenganchado por 8 años mas á el soldado de esta guarnicion Franco. Marepin de la 1a. del 1o. y a José Arguillas de la 2a. de Ya. a los que los he dado 80 rs. de gratificacion. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 31 de Mayo de 99. Carlos de Vilemont—Sr. D. Manuel Gayoso de Lemos.

No. 106. Las repetidas comucaciones llantos y sugrenus de todos los casadores de este puesto me recurrer a darle parte a V. S. que todos los que aqui se presentan despues de haver recivido alguna agravio daño ó bien que les hayan robado sus interven los Osages: vienen diciendo que ellos proprios los dicen que el motivo de obrar tan malo con los blancos es porque quererse tener un tratante de este puesto para que este obligarla tener con ellos y que muchos no consigue este en tanto que no prime ningun blanco en que tener virtud a la cargo lo que aqui antes viven y pueden doblar a todos los vibiran quanto tengan y quisteran las vidas por la quisiera no aser de V. S. le permision la dicha tribu ad fue le por consideralo mis caxas para ello y en continuo con bastante fondo para sostenir dicha trata y ante la mucha nacion podido para tratar con ellos de este permiso a conseguir la tranquilidad de estos miserables casadores y el que pueden pagar sus creditos de la contrario no podran facer satisfacerlas porque partir para ir a la casa una vez las quitan los equipamentos su teryon de sus acompamentos y otros ocasiones diques de sacrificar sus vidas para recoger algunos efectos para satisfacer sus deudas y guardamos disqe. dados allar si presente una puntrado Inoins les quistan quanto tienen han de hacer frente el si pasa algunos de ellos hasta sin causa con tan solo un bruguso por cubrir sus partes se en todo con pedir la aprobacion de V. S. permite fabricar un almacen en donde tener sus intereses asegurados á distancia de 200 cinco leguas de este puesto en una parte nombrado la tiraderia San Bois que es el citio mas considerable para el dicho efecto y mas oportuno para que la nacion no interrumpa a los casadores que casan hasta dicha distancia. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 18 de Junio de 99. Carlos de Vilemont—Sor. D. Manuel Gayoso do Lemos.

No. 107. Pasa a esa capital los dos gefes de Medalla For-con que desquido heso pabeques y el de Gola opes de esta nacion Arkansas a comprado con 30 de sus quirnos para visitar y dar la mano a V. S. por tenerle de suplicarle que les de V. S. un auseno porque se allan todos con los amos imposibilitado de servir de ellos expresan con aciago de que V. S. consigue esta gracia lo que participo a V. S. para su inteligencia. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 20 de Agosto de 1799. Carlos de Vilemont—Sr. D. Manuel Gayoso de Lemos.

No. 108. Acaba de llegar a este puesto hances patera de la nacion Chata gefe de la Medalla expresa solicita este que V. S. le permite de establecer en el Bayu de salina que esta a dos dias de camino de este puesto para este fin me entrego una contra para que se le remito a V. S. el dinero que estan demanden en el parage que tengo reparado que impondria a lo de su nacion que van y vienen hagan ningun perjuicio a los habitantes de este puesto lo que participo a V. S. para su determinacion. Dios gue. a V. S. ms. as.. Fuerte Sn. Estevan de

Arkansas 20 de Agosto de 99. Carlos de Vilemont—Sr. D. Manuel Gayoso de Lemos.

No. 109. Participo a V. S. de haverse desertado de esta guarnicion el dia 28 de Julio de 99, el soldado de la 4a. compa. del 1r. batallon Pedro Lafery. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 27 de Julio de 1799. Carlos de Vilemont—Sr. D. Manuel Gayoso de Lemos.

No. 110. Dare el mas exacto complemento al oficio de V. S. con fecha de 8 de Febrero de 1799. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 18 de F'bre. de 1799. Carlos de Vilemont—Sr. D. Manuel Gayoso de Lemos.

No. 111. Participo a V. S. que el dia 22 del mes de Noviembre de 99, como una partida de 39 hombres de la nacion Osages atacaron a 6 casadores blancos que estuvo casando en las orillas de esta rivera á la distancia de 150 leguas de dicho puesto, de los quales mataron 3 de los casadores, hicilo obligado los otros regresa con mas que lo que tenia encima de su querpo como igualmente otros diferentes partidas de la misma nacion han sido recorrendo todas las con mas de la expresada rivera robando de todos cuantos casadores han encontrado por ellos. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas de 4 de Diciembre de 1799. Carlos de Vilemont—Sr. D. Nicholas Maria Vidal.

No. 112. Remito a V. S. el padron de los habitantes de este puesto para fin de Diciembre de este año. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 31 de Diciembre de 1799. Carlos de Vilemont—Sr. Dr. D. Nicolas Maria Vidal.

No. 113. Noticio a V. S. de haver encontrado una partida de Indios de la nacion Chactas con otra de la nacion Osages, los que se han viardo algun reparo de triunfo matando la primera á dos de los Osages y estas de 4 de los Chactas. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 7 de Enero de 1800. Carlos Vilemont—Sr. Dr. D. Nicolas Maria Vidal.

No. 114. Los mercantes de este puesto D. Franco. Vaugim, D. Franco. Valier Pudro le fui Carlos Refed manda un memorial a V. S. en el que expresen y piden su conveniente su trato con las naciones de Inca. cadas chicachus y Tubayuelos a lo que año informe a V. S. le contrario por Gr. los habit. de este que cultivan las tierras estan expuesto continuamente ir en percussive por estas naciones para ni para dar consumo ninguno de los pulas en alla poner ni los viveres que tienen en su casa ni ninguno de sus animales los cava. los roban el bunos y el en londre los matar esta defendois de el trato con las dichas naciones por el anterior de V. S. Grupos hemos istiman ovume vien observar esta orden con todo que lo que participo a V. S. para su inteligencia y determinacion. Dios gue. a V. S. ms. as.

Fuerte Sn. Estevan de Arkansas 17 de Febrero de 1800. Carlos de Vilemont—Sr. Dr. D. Nicolas Maria Vidal.

No. 115. Remito a V. S. el padron de los habitantes de este puesto por fin de Diciembre de este año. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 31 de Diciembre de 1800. Carlos de Vilemont—Al Sr. Dr. D. Nicolas Maria Vidal.

No. 116. Con esta fecha a caber de llegar una partida de Chactas, que disen haver tenido una lucha con los de la nacion Osages y que de los han muerto cinco hombres y ellos a los Osages dos. Todo lo que participo a V. S. para su inteligencia. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 31 de Marzo de 1801. Carlos de Vilemont—Al Sr. Dr. D. Nicolas Maria Vidal.

No. 117. Participo a V. S. como las sus mas de Clucuchas me ha pedido permiso para establecerse en el paraje llamado la Petite Praderia distante 29 leguas de este puesto sobre la dista del Mississippi, para dudo alli impedir que los Indios de dicha nacion roba los cavallos y matan alguno vacuno de los habitantes de este puesto á que cometen qualquiera esto existo querer establecerse el salvo con un formestia espreso la intima a V. S. sobre este particular. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 25 de Octubre de 1801. Carlos de Vilemont—Al Sr. Dr. D. Nicolas Maria Vidal.

No. 118. Incluyo a V. S. la adjunta relacion de la artilleria y demas pertrechos de guerra que existen en este puesto con especificacion del estado en que se halla. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 31 de Diciembre de 1801. Carlos de Vilemont—Al Sr. M. A. Salcedo.

No. 119. Remito a V. S. el Padron de los habitantes de este puesto para fin de Diciembre de este año. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 31 de Diciembre de 1801. Carlos de Vilemont—Sr. D. Ml. de Salcedo.

No. 120. Participo a V. S. como los Torodos de la nacion Osages en matando al casador de este Miguel Pitie Bujundo este por la rivera de Arkansas a distancia de 150 leguas de este puesto. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 5 de Febrero de 1802. Carlos de Vilemont—Sr. D. Manuel de Salcedo.

No. 121. Participo a V. S. de pasar para esa capital el soldado de la 3a. del 2o. Juan Lugrus por hallarse cumplido desde el 12 de Mayo de 96, y Prior Gusman de la 4a. del 2o. desde el 9 de Enero de 1796, los que han sola. estado el baja para pedir de les escusa. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 5 de Febrero de 1802. Carlos de Vilemont—Sr. D. Ml. de Salcedo.

No. 122. Participo a V. S. de haver fallecido en este puesto el soldado de la 8a. comp. del 1r. batln. Franco. Garcia el dia 24 de Junio po. po. Dios gue. a V. S. ms. as. Fuerte Sn. Estevan de Arkansas 27 de Junio de 1802. Carlos de Vilemont—A D. Manuel Salcedo.

STATE OF LOUISIANA,
Parish of Orleans.

Louis Bouligny, being duly sworn, deposes, that he was well acquainted, during many years, with the late Carlos de Vilemont, who was deponent's uncle; he was, from 1794 to 1802, Commandant of Arkansas. The Letter-book, to which this affidavit is annexed, contains Vilemont's official correspondence with the Governor of Louisiana. All the commandants of posts were required to keep copies of their official letters in such a book, and to number them. The numbers in said book are continuous, from 1 to 122; there is none wanting, and the letters, which are all dated, extend from the 12th of July, 1794, to the 27th June, 1802. The title of this book is, "Libro de Correspondencia con el Sn. Gobunador,' is in Vilemont's handwriting, with which deponent is perfectly acquainted. The letters numbered from 43 to 85, and Nos. 91, 93, 94, and 95, are in a handwriting which deponent does not know; but all the other letters are entirely in the handwriting of the sd. Carlos de Vilemont. Deponent has seen Vilemont frequently write, particularly when he came to New Orleans, in 1802, and afterwards, and has corresponded with him.

Sworn to and subscribed before me, New Orleans, Dec. 27th, 1836.

L. BOULIGNY.

EDWARD ROULL,
Judge of the City Court.

The letters from No. 1 to 122 were referred to in interrogatory 12th, before N. R. Jennings.

Referred to in the depositions taken before N. R. Jennings, in the 13th interrogatory.

N. R. JENNINGS.

Here follows:

Digo yo el abajo firmado y certifico en presencio del testigo interesado que D. Carlos Tessier, es proprietario en virtud de cesion que por este le hago de la mitad de una de profundidad que poser a veinte y cinco leguas mas abajo del Rio Arkansa sobre el Missisipi, linda con la Ciprera del Chicote y me obligo a pasarle la venta de dicha porcion de tierra luego que vicaiga la confirmacion del decreto de concession y para que conste firmo en la No. Orl. a 16 de Enero de 1811.

CARLOS DE VILEMONT.
J. CHARLES.

T. MERCIER.

Tesseur, Judge & Notaire Public de la Paroisse eat Baton Rouge, certifie que le es assang puire de l'autre part a ete enregistre dans

mes Registre, au fol. 480, en presence des Sn. Josep Bemy et Adrian Francois Mobille, temoins soussignes, en foi de quoi par ci depor appon ma signature et le secau de ma office, à Baton Rouge, le quatton Juliet, mil 1 huit cent qauve.

[SEAL.] CHARLES TESSIER, *J. de P.*

The foregoing Spanish document were "Filed 28th October, 1848."

WM. FIELD, *Clerk.*
By JOHN T. TRIGG, *D. C.*

(A.)

SENOR GOVERNOR GENERAL:

Don Carlos de Vilemont, Captain of the Louisiana Regiment of Infantry, and Civil and Military Commandant of the Post of Arkansas and its district, would humbly show unto your lordship, that, being desirous of settling (or establishing) a place for himself to dwell at, and for the purpose of raising "beef cattle," for the consumption of the inhabitants of this post, where is often felt a great scarcity of beef cattle, in as much as the post is, for a space of several months during the year, in want of "flesh meat," although, (or in spite of,) the latter being an indispensable necessary of life. He, therefore, entreats your lordship, that it would please you to grant him a tract of land, having a grant of two leagues, by a depth of one league, with parallel boundaries, situated in the place called the Island del Chicote, distant twenty-five leagues below the mouth of the Arkansas River. The Cypress Swamp of the Island del Chicote being the upper boundary of the said tract of land. A gratuity which he expects to receive from your benevolence.

FORT OF ST. STEPHENS, ARKANSAS, 10*th of May, A. D.* 1795.

CARLOS DE VILEMONT.

NEW ORLEANS, 17*th of June*, 1795.

The surveyor general of this province, or the private person named (or appointed) for that purpose, will locate (or establish) this portion (or tract) of land, which is petitioned for, upon the two leagues of land in front, by one in depth, in the place pointed out (or indicated) in the proceeding memorial; the said lands being vacant, and the said locating not operating to any one's prejudice, with the express condition, that a road, and a regular clearing, be made, in the peremptory space of one year, and this concession to remain null, if, at the expiration of three years' time, the said land shall not be settled upon, and, during which time, it cannot be alienated; under which supposition, a complete survey of the land must be made, which must be remitted to me, in order that a correspondingly formal title may be supplied to the party in interest.

EL BARON DE CARONDELET.

Endorsement—
CARLOS DE VILEMONT—
Recorded, Book H. Page 1.

Referred to in the deposition taken before N. R. Jennings, commissioner, in the 4th Interrogatory.

N. R. JENNINGS.

(2.)

[Referred to in the 4th Interrogatory. N. R. Jennings.]

NEW ORLEANS, *March 6th*, 1796.

Annexed, I remit to you, sir, a letter from Mr. de Blanc, formerly commandant "des Nachitoches," by which he will advise you, doubtless, that he cannot go to the rendezvous, which you had indicated to him, because the Caduax, and other neighbouring tribes, refuse to make peace with the Osages; in consequence thereof, you will have to go there accompanied by the Arkansas alone. Notwithstanding, I expect that the new commandant, Don Felix Urudean, will be able to bring them to a proper state of political feeling, and to a knowledge of their true interest, which imperiously demands that this peace should be concluded between them. Before long, an engineer will come up to your place, in order to design a plan of the fort, and of the site "Des Arkes," as well, as of the other fortified places upon both banks of the Mississippi; which will be the next, and will be the grand work of the project for making suitable improvements for each; and the whole will be submitted for an examination by an assembly or council of general officers, who are named for that purpose, and also, at the same time, he can order that such repairs may be made as are absolutely essential to your fort.

The treaty of limits and of navigation, that has been concluded between Spain and the United States of America, will, perhaps, effect some change in the situation of our own posts upon the Mississippi; but, as we are ignorant of the terms of the same, we can but form conjectures upon this subject.

I have, therefore, informed you, that I had sent a strong and severe message to the Chickasaw Nation, concerning the depradations which some of their warriors have committed at your post. If it does not have any effect, it will be proper to endeavour to arrest one or two of them, and then send them to me. I will detain them in prison for a time, a line of conduct which will have more impression upon them than any other.

Madame de Carondelet, as well as my daughter, charge me to tender you their thanks for the excellent "tongues" which you have them. I join myself to them, in assuring you of the sincere attachment with which I have honour to be,

Sir,

Your very humble,
and very obt. servt.,
LE BARON DE CARONDELET.

MONS. CHARLES DE VILLEMONT.

(3.)

[Referred to in the 4th Interrogatory. N. R. Jennings.]

New Orleans, *April the* 29*th*, 1796.

In answer to your letters, dated the 22d of February, the 12th of March, and the 12th of April, I have the honour to inform you, that you have done well in showing marks of attachment [to] Squlagacabe, Grand Chief of the Chickasaw tribe, to whom we owe our settlement, Des Ecores, and who is a pensioner of the king, in such a manner, that we can rely upon the assistance of his party, which is very strong in the nation; but you should act in such a manner, as to remove as far from you as possible, without compromising yourself, the savages on this side, who will otherwise destroy all the animals of the chase, on the other side of the river, and devastate our establishments. The safest manner to effect this, as I have heretofore informed you, is to maintain peace between the Arkansas and the Osage tribes of Indians. In order that the latter may, without fear, come into the neighbourhood, and to the post, and thus cause the Indians, on the other side, to fear coming thereto, for fear of meeting them there. The Cadaux will not make peace with the Osages, and you must, therefore, let them act as they think proper. I refused permission, as asked by two Americans, to cross the river in company with several parties of Choctaws, in order to hunt in your district. If they should, notwithstanding this, come there, and you can arrest them without danger, do so, and send them well secured to Agoles, where they can be sent on to me. As regards your fort, you must not change its site under the present circumstances, as well, as because the buildings thereon have been erected as yet but a few years, entirely new; but also because we wish to encircle it with a good palisade and a raised way.

I received the measure (three bushels) of wheat, which you had the kindness to send me, and which I have remitted to the captain-general, who had desired me to send it to him. It would be very desirable that all the establishments or settlements in north Louisiana (upper) would devote themselves to the culture of corn (grain for bread), rather than to transportation, which produces but a transitory good (or profit but of short duration). We are absolutely in want of flour in such a manner, that since yesterday we have eat bread mixed with rice.

I feel highly the compliment which you have kindly wished to make me concerning the grade of Marchal de Camp, which the king has conferred on me; it is pretended that his grace has been followed by that of appointing me captain-general of the Havana, but the latter statement needs confirmation. If it were certainly true, I would be doubly flattered, since it would give me the double advantage of being useful to Louisiana, and to those whom I have the honour to have actually under my command. I have received a letter from

your brother, who continues to enjoy a favourable reception at the hands of the prime minister, and this he ought to hope and expect, that he will be in a short time placed in a very advantageous situation.

The ladies desire me to say many gracious things to you on their behalf. Conduct yourself a proper manner, and dispose, sir, of

Your humble and very
Obt. servant,
LE BARON DE CARONDELET.

Monsieur de Vilemont.

[Referred to in the 4th interrogatory. N. R. Jennings.]

NEW ORLEANS, *May 14th*, 1796.

I have received, sir, your letter of the 28th April, which informs me that Mr. Choteau received, too late, notices of the rendezvous at the "Cadrau Blen," which you had indicated to him. After the "Treaty of Limits," concluded with the United States, who thereby become masters of the other bank of the river, it becomes more necessary than ever, that the "tribes" residing on your side should become more closely allied with one another, in order that they may be able to scatter the Chies, Choctaws, and Talapouclies Indians, whom the Americans will engage to go a hunting on their side of the river.

Don Jean Perchet is ordered to examine, as a man skilled in the art, the most favourable situation to erect a respectable fort in Arkansas; in the mean time, he will take the necessary steps to place the actual erected fort in such a condition as to prevent you from being insulted, by making a good palisade and a "raised way, and several pieces of artillery, well placed, as soon as the troops shall be withdrawn from Des Ecores." In passing by your post, they will increase your command until it amounts to a compliment of *of* forty men, but you should make use of all the means that be in your power to prevent the Americans from passing the river, and settling under your commandment, at least unless they are skilful cultivators of grain, who may come there with the necessary farming utensils, necessary and proper for the cultivation of grain, and otherwise prepared, as such persons must be favoured by you as much as lies in your power. I have renewed my recommendation to Mr. Choteau, to keep the Osages in peace with your fort, and on your part you should impress upon your men the propriety of welcoming the Osages wherever they may *may* meet them.

The ladies charged me to send you many friendly greetings in their name, and for myself I pray you, sir, to believe me to be with the most sincere attachment,

Your very humble and
Very obt. servant,
LE BARON DE CARONDELET.

To Mr. de Vilemont.

(5.)

[Referred to in the 4th interrogatory. N. R. Jennings.]

NEW ORLEANS, *September 12th*, 1796.

Not having received, sir, any news from "Des Arkes" since your letters of the 8th and 10th of August, I am very much disturbed concerning the possible termination of the sickness of Don Jean Perchet, whom I greatly esteem, and concerning whom I am greatly troubled, lest some sad accident may have befallen him. If he has had the good fortune to withdraw himself from the affair in as fortunate manner as I desire that he may have done, he should not make the least delay in descending to this place, as it is impossible for us to determine anything concerning the fortifications of the fort, until I receive the information and explanations that I have demanded of him. We equally have it in mind, to erect at your place a church and a house for the curate.

I think that the plan adopted by the hunters of the fort, to cause two of the bravest warriors of the Osage nation to accompany them in their hunting expeditions, is the surest means you could adopt to hunt in security. I have written in a serious manner to Mr. Choteau, ordering him to have restored the twenty horses, the seven carabines, and the fusil or firelock, which have been carried off.

Your post is about to become as important, as it will be enlarged and increased. Since the Treaty of Limits and Navigation concluded with the United States, a great number of foreign Catholics, who have settled in America, and who are disgusted with their government, are now disposed to emigrate with all their property to Louisiana. Propositions have already been made to me on this subject, and I hope that by the spring season you will begin to perceive the effects of the same. Thus your post will have nothing more to fear from the savages.

I have sent to Mr. de Bouligny the value of one hundred dollars, which you have sent to me for that purpose. Receive the thanks of the ladies for your remembrance of them. We have had the misfortune to lose, by a sickness of two days' duration, my brother, ex Carron de Cambria, and were on the point also of losing my son, circumstances which have filled me with grief. Send me, I beseech you, the tongues which I have asked of you, in order to send to Madrid, but accompanied with a statement of their value. I have the honour to be, sir, with the sincere attachment,

Your very humble
And obt. servant,
LE BARON DE CARONDELET.

Mr. de Vilemont.

(6.)

[Referred to in the 4th interrogatory. N. R. Jennings.]

NEW ORLEANS, 17*th February*, 1797.

I have received, sir, your letters dated the 20th and 29th of September, to which I have not been able the sooner to reply, as the perogue of the post started back without taking any passport. I am very much chagrined at not being able to grant your petition for promotion to the rank petitioned for. You have over you Messieurs Collet and Pertell, who have the preference on account of their seniority in the service; particularly the latter, who has forty-two years, and has made several campaigns. But to soften the pain which these bad news may give you, I informed madam, your mother, that I would allow you to remain in Arkansas as long as you continued to conduct yourself there as well as you have done, and in the same manner as you do at present. As Les Ecores, Nozales, and Natches, are about to be evacuated, I have given orders that they should send you from Nozales four four-pounders, four petrouls, an artillerist, a corporal, and ten fusileers, of the sixth, henceforth increasing your garrison to forty men. I also send you a man named Revas, superintendent of works of fortification, with a carpenter to make the new palisade; the garrison must be employed at this labour and work, and in remaking the raised way, at each bastion let four embrasures be made, which must be covered as the port holes of an ordinance ship, and the battlements must be open for musketry, at least six feet from the ground; in this manner you will be at least in safety from the attacks of the savages, to whom you will be able to dictate the law, instead of receiving it from them.

I have written in a peremptory manner to Mr. Choteau, that he should obtain the head of the Osage who killed the *hunter* Des Awres, or else lose his privilege.

I feel extremely grateful towards you for the tongues which you have sent me, and which are already on their way to Madrid; but I also requested you to let me know the value of them, as I intended them for the Marquis de Tranclo, the uncle of Madame de Carondelet, who had asked me to send him some. The madame charges me to tender you her thanks, as well as my daughter, who sends you many compliments. I have the honour to be, with the greatest consideration,

Sir,

Your very humble and very ob't sr't,

LE BARON DE CARONDELET.

Mr. de Vilemont.

(7.)

I declare that Mr. Jean Mercier, Sen., is proprietor of the half of a league of land which I have acquired from Mr. Charles de Villamont by deed, under his present signature of the 16th January, 1811, and that I will give him an authenticated instrument of date of the same, as soon as the title of the said land shall come into my possession. The said land is situated 25 leagues below the Arkansas River on the Mississippi, joining the Cypress Swamps of Chicot. Made at Baton Rouge, the 8th May, 1815.

CHARLES TESSIER.

ENDORSEMENT.

Declaration of Tessier relative to the tract of land in Arkansas referred to in the deposition taken before N. R. Jennings, Commis., in the 5th interrogatory.

N. R. JENNINGS.

(8.)

Referred to in the deposition taken before N. R. Jennings, in the 13th interrogatory.

N. R. JENNINGS.

I, the undersigned, declare and certify in the presence of the underwritten witnesses, that Don Carlos Tessier is proprietor, by virtue of the cession (grant) which, by these present letters, I do make to him, of the half of a tract of land having a front of two leagues by a depth of one league, which I possess, situated twenty-five leagues below the Arkansas River upon the Mississippi, bounded by the Cypress Swamp del Chicote, and I obligated myself to furnish him with an instrument of sale of said land as soon as the confirmation of the decree of concession shall devolve upon me. Wherefore I have signed the same in New Orleans, the 16th of January, 1811.

CARLOS DE VILEMONT.

T. MERCIER.

I, Charles Tessier, Judge and Notary Public of the Parish of East Baton Rouge, certify that the instrument under the private signature of the maker of the other part, has been recorded in my records on page 480, in the presence of Messieurs Joseph Perry, and Andrew Francois Mobille, underwritten with witnesses.

In testimony whereof I have below affixed my signature, and the seal of my office, at East Baton Rouge, the fourteenth of July, one thousand eight hundred and fifteen.

CHARLES TESSIER,
(*Juje de Paix.*)

MOBILLE,
JOSEPH PERRY.

UNITED STATES OF AMERICA,
District of Arkansas:

I hereby certify that the annexed and foregoing sheets, lettered A, B, C, D, E, F, and numbered from 1 to 8 inclusive, are full, true, and correct translations from the original papers as placed in my hands for interpretation or translation, as interpreter appointed for that purpose by the honourable, the Land Court of the United States of America for the District of Arkansas, and duly sworn for that purpose to the best of my knowledge and belief.

G. A. GALLAGHER.

Filed 26th October, 1848.

WM. FIELD, *Clerk.*
By JOHN T. TRIGG, *D. C.*

* To the United States of America, Horace F. Walworth, Mary B. Miles, and James B. Miles:

Take notice: That we have this day filed, in the office of the Clerk of the District Court of the United States for the District of Arkansas, *interrogatories* to be propounded to witnesses on our part, for the purpose of taking depositions thereon to be read in evidence in our behalf, on the final hearing of a certain cause now pending in said court for the confirmation of a concession of land made to the late Don Carlos de Vilemont by the Spanish Government of Louisiana in the year 1795, in which cause we are the petitioners and complainants, and you are the defendants, and that after the expiration of ten days from this date we will take out a commission for the purpose of taking such depositions upon said interrogatories. In the meantime, you are hereby notified to file cross-interrogatories, if you think proper.

We are very respectfully,
Your obedient servants,

CATHARINE DE VILEMONT,
CARLOS DE VILEMONT,
URSIN DE VILEMONT,
JAMES BLAINE, and his wife,
ZOE DE VILEMONT,
LOUIS DE VILEMONT,
PEDRO DE VILEMONT,
DON CARLOS GIBSON,
CECELIA GIBSON, and
ADELIA GIBSON, minors, by their guardian.
CATHARINE DE VILEMONT,
CHARLES TESSIER,
LOUIS JANIN,
PIERRE SOULE, and
ARMANTINE MERCIER, his wife,
LOUIS T. CAIRE, and
ADELE MERCIER, his wife,
ARMAND MERCIER,
ALFRED MERCIER,
DEDIER DREUX, and
LEONTINE BOULIGNY, his wife, and
AUGUSTE MERCIER, by *by* his tutors and guardians, said
DIDIER DREUX, and wife, petitioners, &c., by their solicitor,

A. FOWLER.

LITTLE ROCK, February 26th, 1847.

* This notice was transcribed in this place by mistake which occurred in consequence of the time of filing having not been endorsed thereon by a former deputy.

A copy of the within notice was this day delivered to us, and we acknowledge valid service thereof, for and in behalf of our clients,

PIKE & BALDWIN,
RINGO & TRAPNALL,
Att'y for Miles.

Feb. 26th, 1847.

I acknowledge service on the United States in this case.

S. H. HEMPSTEAD,
U. S. Attorney for Acks.

26th Feb., 1847.

UNITED STATES OF AMERICA,
District of Arkansas.

District Court of the United States, for the adjudication of French and Spanish Land Claims. October 28th, 1846.

Heirs of DON CARLOS DE VILEMONT, et al.,
vs.
THE UNITED STATES, et al.

On this day come the said parties by their solicitors, and on motion and by consent of parties, it is ordered by the Court, that N. R. Jennings and H. B. Cenas, or either of them, of New Orleans, Louisiana; C. G. McHatton, of Baton Rouge, Louisiana; Johnson Chapman, of Columbia, Chicot county, Arkansas; Terence Farrelly, of Arkansas county, Arkansas; Thomas S. James, of Jefferson county, Arkansas; James H. Lucas and John Ruland, of St. Louis, or either of them; be, and they are each respectively, appointed commissioners to take testimony in this cause, to be read on the final hearing of the same.

True copy from the record.

Teste: WM. FIELD, *Clerk.*
By D. W. CARROLL, *D. C.*

UNITED STATES OF AMERICA,
District of Arkansas.

The President of the United States of America,

To Johnson Chapman, Esquire, Columbia, Chicot county, Arkansas, greeting:

You are hereby commanded to cause to come before you all witnesses whatever, and them diligently examine on the interrogatories and cross-interrogatories annexed, as well on the part of the plaintiff as of the defendant in a certain suit, now pending in our said District Court, in which the heirs of Don Carlos de Vilemont and others are plaintiffs, and the United States of America, Horace F. Walworth, and others, are defendants, and that you then and there examine them apart, upon their respective corporeal oaths, first taken before you upon the Holy Evangelists, and that you reduce their

examinations to writing; and when you shall have so taken them, that you send the same, with this dedimus, closed up under your seal, to our said District Court, at the City of Little Rock, without delay.

In testimony whereof, Hon. Benjamin Johnson, District Judge, hath caused the seal of said District Court to be hereunto affixed, this 31st day of March, A. D. 1847, and of American Independence the 71st year.

Attest: WM. FIELD, *Clerk.*
By D. W. CARROLL, *D. C.*

Interrogatories to be administered to witnesses to be produced, sworn, and examined in a certain cause, now depending and in issue in the District Court of the United States for Arkansas District, wherein Catharine de Vilemont, Carlos de Vilemont, Jr., Ursin de Vilemont, James Blaine and Zoé de Vilemont his wife, Louis de Vilemont, Pedro de Vilemont, Don Carlos Gibson, Cecelia Gibson, and Adelia Gibson, minors, by their guardian and next friend, the said Catharine, Charles Tessier, Louis Janin, Pierre Soulé and Armantine Mercier his wife, Louis T. Caire and Adelé Mercier his wife, Armand Mercier, Alfred Mercier, Didier Dreux and Leontine Bouligny his wife, and Auguste Mercier, a minor, by his tutors and guardians, said Dreux and wife, are petitioners and complainants, and the United States of America, Horace F. Walworth, Mary B. Miles, and James B. Miles are defendants, on the part of the defendant Walworth:

1st Interrogatory. Do you know the parties, complainant and defendant, in the title to these interrogatories named, or any or either of them, and how long have you known them, or such of them as you do know respectively? Declare the truth, and the utmost of your knowledge, remembrance, and belief herein.

2d Interrogatory. Do you personally know the late Carlos de Vilemont (usually styled Civil and Military Commandant of Arkansas under the Spanish government), and do you know where he resided between the years 1795 and 1823? Declare the truth of the several matters enquired of in this interrogatory, and particularly state at what places he did reside, and how long he remained at each, and what occupation he pursued, to the best and utmost of your knowledge, remembrance, and belief.

3d Interrogatory. Have you any personal knowledge of the point of land on the right bank of the Mississippi river, commonly known as "Point Chicot" or "Sketo Point"? How long have you known; the same; when, and by whom was it settled; to what extent was it improved; who has resided there since your acquaintance with it; how long did they reside there; and to what extent has the bank caved or washed in, and what point or place has it so washed or caved? Declare the truth of the several matters in this interrogatory inquired of to the best and utmost of your remembrance, knowledge, and belief.

4th Interrogatory. Do you know of any other matter or thing

3777

that may be of benefit or advantage to the parties in this cause, or either of them, or that may be material to the subject of this your examination, or the matters in question in this cause? If yea, set forth the same particularly in your answer.

PIKE & BALDWIN,
Solicitors for Walworth.

In Chancery.

Interrogatories to be administered for the cross-examination of witnesses to be produced, sworn, and examined on the part of Horace F. Walworth, one of the defendants in a certain cause, now depending and at issue in the District Court of the United States for the District of Arkansas, wherein Catharine de Vilemont, Carlos de Vilemont, Ursin de Vilemont, Pedro de Vilemont, Zoé de Vilemont and her husband James Blaine, Don Carlos Gibson, Cecelia Gibson, and Adelia Gibson, by their guardian, the said Catharine, Louis de Vilemont, Pierre Soulé and Armantine Mercier his wife, Louis T. Caire and Adelé Mercier his wife, Armand Mercier and Alfred Mercier, Auguste Mercier, by his guardian and tutors, Didier Dreux and Leontine Bouligny his wife, and Charles Tessier, and Louis Janin, are complainants and petitioners, and the United States of America, the said Horace F., and Mary B. Miles, and James B. Miles, are defendants, on the part and in the behalf of the said complainants.

1st Cross-interrogatory. Do you not know that the said Carlos de Vilemont, now deceased, was Military Commandant at the Post of Arkansas, under the Spanish government, from the beginning of the year 1795, until the close of the year 1802, and that during that entire period he never left the vicinity of his post, and was the only officer at that post? Declare the whole truth, and to the utmost of your knowledge, information and belief herein.

2d Cross-interrogatory. Do you not know that the said Don Carlos de Vilemont, in the year 1809, and in the years 1819, 1820, 1821, 1822, 1823, and until his death, in the year 1824, and at several other periods between the said years 1795 and 1823, resided at Point Chicot, on the western bank of the Mississippi river, and that his family, including his widow, the said Catharine de Vilemont, and others, his children, a part of the said complainants, from a period long before his death to the present time, have resided continually at the same place, at Point Chicot? And was, and is not such residence upon the lands claimed by *him* and his family, under a concession from the Baron de Carondelet, Governor of Louisiana, under the Spanish government? Declare the whole truth, and to the utmost of your knowledge, information, and belief herein.

3d Cross-interrogatory.

Do you not know that the said point of land, called Point Chicot, was first settled and improved about forty years ago, or upwards, by men by the name of Malbrone, Hutsell, Morse and Lefevre, as tenants

under, and sent there by the said Don Carlos de Vilemont? and do you not know that Benjamin L. Miles (the husband of the said defendant, Mary B., and the father of the said defendant, James B.), settled there about the year 1816 or 1817; and the said Walworth about the year 1828; and that the said Benjamin L. Miles, and Horace F. Walworth, at the time they respectively settled there, and before they purchased any real or pretended interest in the land there, well knew that the said Don Carlos claimed the whole of the land on Point Chicot, as his, under the said concession from the said Spanish governor or government? Declare the whole truth, and to the utmost of your knowledge, information, and belief herein.

4th and last cross-interrogatory.

Do you not know of some other matter or thing touching the matters in controversy between the said parties in this cause, that may be of benefit or advantage to said parties, or to either of them, or that may be material to the subject of this your examination, or the matters in question in this cause? If yea, set forth the same fully and at large in your answer.

H. FOWLER,
Solicitor for Complainants.

DISTRICT OF ARKANSAS.

I, William Field, clerk of the District Court of the United States, for the District of Arkansas, do hereby certify, that the foregoing interrogatories on the part of the defendant, Walworth, numbering 4 in all, and the cross-interrogatories on the part of the complainants, numbering 4 in all, in the cause in the caption of said interrogatories mentioned, are truly and correctly copied from the originals now on file in my office.

In testimony whereof, I have hereto set my hand and affixed the seal of our said court, this 31st day of March, A. D. 1847.

[SEAL.] WM. FIELD, *Clerk.*
By D. W. CARROLL, *D. C.*

STATE OF ARKANSAS,
County of Chicot, sct.

Depositions of witnesses, taken and subscribed before me, Johnson Chapman, a commissioner appointed by order of the District Court of the United States, for the District of Arkansas, for the adjudication of French and Spanish land claims, under and by virtue of the annexed order and commission, and interrogatories and cross-interrogatories thereto annexed, to me directed, and to be read in evidence in a certain cause now depending in said court, wherein the heirs of Don Carlos de Vilemont and others are plaintiffs, and the United States and others are defendants, this twelfth day of May, A. D., 1847, between the hours of sunrise and sunset of that day, at

my office, in the town of Columbia, in said county of Chicot, in said State of Arkansas.

Ambrose H. Sevier, a witness, known to me to be of lawful age, being to me, at the time and place produced, and being by me first duly sworn to testify the truth, the whole truth, and nothing but the truth, in regard to the matters in controversy in the suit aforesaid, did then and there on his oath aforesaid, depose as follows, to wit:

1st Interrogatory.

Do you know the parties, complainant and defendant, in the title of these interrogatories named, or any or either of them, and how long have you known them, or such of them, *or such of them* as you do know respectively? Declare the truth, and the utmost of your knowledge, remembrance and belief herein.

Answer to 1st interrogatory.

I knew Catharine de Vilemont, Carlos de Vilemont, Ursine de Vilemont, James Blaine (and who, I understand, is now dead), Zoé, the wife of said Blaine. I think I have seen Pedro de Vilemont, but of this I am not certain. The other children of Don Carlos de Vilemont I think I have seen, but my recollection is not sufficient to identify them now, if I should see them. I became acquainted with Don Carlos de Vilemont and his family in 1820, and have seen them often since; at the time referred to, they resided near the Post of Arkansas, afterwards Mrs. De Vilemont removed to Point Chicot, where I practised law, and generally saw her, or some of the family, whenever I visited the Point. I knew also, in his lifetime, Dr. Gibson and his wife Matilda, but do not know their children. Don Carlos de Vilemont died at, or near, the Post, about the year 1823, and before his family removed from the Post to Point Chicot.

I do not know any of the other plaintiffs, except it be Pierre Soulé, and I knew him, if he be the late Senator from Louisiana.

I know Horace F. Walworth, Mary B. Miles; I have seen James B. Miles. I have known Walworth for about nineteen years, Mary B. Miles since 1836 or 1837. I think I have known James B. Miles from his infancy, and he is now upwards of twenty years of age.

To the second interrogatory hereto annexed, the witness answers:

I knew Don Carlos de Vilemont after my coming to Arkansas in 1820, and up to the time of his death, which event took place in 1823, according to the best of my recollection. He then resided on the Coast, two or three miles below the Post of Arkansas, and I think, farmed it, in a small way, for a livelihood. I knew nothing of him previous to July, 1820; nor do I know where he resided previous to that time; and, during the time I knew him, he resided at the place where he died.

To the third interrogatory, he answers:

The first time I ever was at Chicot Point, or Point Chicot, was at the first court held in the county, which, I think was in 1823 or 1824. I attended courts regularly, during my practice as a lawyer at that place, up to the year 1827. The court was held at Chicot

Point, at the house of Andrew Sattiny, which, if it has not fallen into the river, would be now in Col. Walworth's field; and I suppose it was about three quarters of a mile above the present residence of said Walworth. I do not know the precise boundaries of the present claim, not having examined them; but, on what was said to be the grant, resided Andrew Sattiny, at whose house the court was held, and who had in cultivation a considerable field, the quantity not recollected. Richard Sattiny resided there also during that time. Hugh White and James Estill lived there, who had also, at the place where Col. Walworth now resides, or a little below, a field in cultivation, the quantity of ground not known to me; all having houses and outbuildings, such as were common at that time, on their improvements. Mrs. De Vilemont also resided there, and Ignace Bougy, her brother, each of whom had land in cultivation and houses. John C. Jones resided in the upper part of it, and some of the Boones also, the connections of said Jones's wife. Below it, resided James Parker and his brother, within what was claimed to be the grant; and lower down in the same grant, or what was said to be the grant, Benjamin L. Miles, all of whom had improvements and houses on the same. There were also the officers of the court who resided on the Point, sheriff, clerk, &c., and probably others, not enumerated, but I cannot now remember distinctly. I do not know who settled the grant. It was settled when I first saw it. In regard to the improvements upon it, I cannot give any more definite answer than I have given above.

Between the years 1823, or 1824 and 1827, the persons above enumerated resided on said grant, or what was said to be said grant. Since that time the most of these have disappeared from it, and for the last 18 or 19 years Col. Walworth has resided upon the grant and still resides upon it; and until the death of Miles, some 9 years since, he resided upon it, and at the same place where I first knew him in Chicot; and since his death, his widow and son have resided upon it. Mrs. De Vilemont and her family now reside upon it, but at a different place from where they first settled when I knew them in Chicot, and have resided on the grant since I first knew them in Chicot. Some of the McGary family resided below Miles, and I think within the same grant, for some years; how long I can't say. Since I first knew the grant Miles and Walworth have made considerable improvements, and I suppose that Walworth has in cultivation one thousand acres, and Miles four or five hundred acres, and Mrs. De Vilemont has now from 50 to 100 acres in cultivation, and except the present village of Columbia (of which fact I do not know) lie upon the grant. I know of no other persons residing on it—there may be others, but I do not know them nor the extent of their improvements, if there be any. The bank, from Columbia down to below Walworth's residence, has caved a good deal or washed in, but to what extent I do not know. From that point down to about Miles's residence it has made a good deal since I knew it, and from

Miles's down it has also washed or caved in a good deal, but to what extent I do not know.

To the fourth interrogatory. I know nothing further that would be of benefit or injury to either or any of the parties to the suit that I know of.

To the cross-interrogatories hereto annexed the said witness answers as follows:

To the first cross-interrogatory he answers: I never knew Don Carlos de Vilemont until 1820, and except from hearsay never knew that he was military commandant of the post at all. I have heard that he was such commandant.

To the second cross-interrogatory he answers as before stated: I never knew Don Carlos de Vilemont until 1820, and cannot state where he resided previous to that time; but from that time, as before stated, until his death, he resided near the post of Arkansas, on the Arkansas river. The family of Don Carlos, after his death, as before stated, moved to the grant in Chicot, and have resided on it until now, but at different places on the grant. Their residence all the time since they removed to Point Chicot has been upon what I understood to be the grant. The original grant from Baron de Carondelet I may or may not have seen, but I have no recollection of it.

To the third cross-interrogatory he answers: I do not know when the grant was originally settled or by whom; the persons named above were upon it when I first saw the place.

In answer to third interrogatory in direct examination: I do not know when Miles settled there; I found him there when I first saw the place in 1823 or 1824; nor do I know precisely when Walworth settled there, but I suppose it must have been about the year 1828 or 1829. I suppose they had heard of the claim, as it was a matter of public talk over the country, but do not know whether they believed the claim to be good or not, but I know they have been contesting the confirmation of the claim in Congress since provision was made for the adjudication of it at St. Louis, Missouri, which I think was made about the years 1832 or 1833, as the subject has been frequently before Congress, and I have had occasion to look into it in one shape or other, as a member of Congress since 1832 up to the time that provision was made by Congress for the adjustment of it in 1844, according to the best of my remembrance, by the District Court in Arkansas.

To the fourth interrogatory he answers: I know nothing of any other matter or thing touching the matters in controversy between the said parties in this cause that may be of benefit or advantage to said parties, or either of them, or that may be material to the subject of the examination.

Whenever, in my examination above, I mentioned the word grant, I mean it to be descriptive of the land or place and nothing more.

And further this deponent saith not.

A. H. SEVIER.

Taken, sworn to, and subscribed before me, this 12th day of May, A. D., 1847, at the time and place in the caption hereof mentioned.

JOHNSON CHAPMAN.

And on the 21st day of May, A. D., 1847, Joseph Egg, a witness in the above entitled cause, known to me to be of lawful age, being to me produced at my office in the town of Columbia, in Chicot county, in the state of Arkansas, on said twenty-first day of May, 1847, and being by me first duly sworn to testify the truth, the whole truth, and nothing but the truth, in regard to the matters in controversy in the suit aforesaid, did, then and there, on his oath aforesaid, depose as follows, to wit:

To the first interrogatory he answers: I know Catharine de Vilemont and Pedro de Vilemont, and was acquainted with Blaine in his lifetime, but do not remember the other members of the family by name. I do not know Charles Tessier, Lewis Janin, or any of the other complainants, according to the best of my recollection. I am acquainted with Horace F. Walworth and James B. Miles, but I do not know Mary B. Miles. I have known Catharine de Vilemont ever since the —— place (the county seat) was named Vilemont, which I believe was in the years 1823 or 1824. I have known Carlos since that time. I have known Walworth, personally, fifteen or sixteen years, but I know that he lived on the Point previous to that. I have known James B. Miles since he was a child.

To the second interrogatory he answers: I knew the late Carlos de Villemont in 1823 or 1824, at the time above referred to, when the county seat was named Villemont, and I have never seen him since, nor did ever see him before. I do not know where he resided of my own knowledge; he was at Vilemont at the time above stated. I understood from the settlers that he lived at the Post of Arkansas previous to that. I knew that he did not live on the Point in 1811 or 1812, for I was there at that time, nor did he live there between 1804 and 1812. I do not know what occupation he pursued.

To the third interrogatory he answers: I have known the Point since 1804, having boated from that time to 1808 in barges. Between those years it was vacant; there were no settlers upon it at that time according to the best of my knowledge. I camped there in 1806, with other boatmen, and saw no person upon it. The persons I saw upon it were Joseph Hootsel, —— Moore and —— Lefore, and *Malbrone;* this was in 1812. There were small improvements then.

Since that time there have resided on the Point the following persons:—James Estill, Richard Satting, Hugh White, —— King, Sam. Parker, who purchased King's improvement, —— Mills, —— McGary, Alanson Moorehouse, Catharine de Vilemont and family, Ignace Bogy, Dr. Gibson, —— Paschel, a Frenchman, Henry Baker, Royal Bills, Harry Smith, —— Russell, Benjamin L. Miles, who purchased Royal Bill's improvement, Horace F. Walworth, who pur-

chased of White, Parker, the Sattings, and Madame de Vilemont, as I have been informed. I knew that said White, Parker, the Sattings, and Madame de Vilemont, lived on the land that Walworth now occupies. I cannot remember how long any of the persons above named lived on the Point, except Walworth, Catharine de Vilemont, and Benjamin L. Miles, father of said James B. Miles. B. L. Miles lived on the land from 1816 to the time of his death, Catharine de Vilemont from 1823 or 1824, or at the time when the town was named Vilemont, and Walworth has lived on it ever since 1828 or 1829, according to the best of my recollection and belief. The last two named persons are still upon the land, and have now large improvements, and James B. Miles, son of Benjamin L. Miles, is still upon the land and also has a large improvement. All the settlers upon the land above named claimed pre-emptions on the land occupied by them under pre-emption act of the United States' Government of 1814, except Moore, who claimed under De Vilemont as tenant. I do not know the extent that the bank has caved and washed in, but I understand that it has caved a good deal.

To the 4th interrogatory he answers:

Mrs. De Vilemont don't live on that, and that she sold to Walworth, at present, but has removed higher up the river. Andrew Latting made a donation, as I heard him say, to the county for the county seat, in 1823 or 1824, which was called, as I have before stated, Vilemont.

To the 1st cross-interrogatory, he answers: I know nothing about it; I heard it said that he was Spanish Commandant, but when he was, I do not remember.

To the 2d cross-interrogatory, he answers: I never saw Don Carlos De Vilemont until the town of Vilemont was named, when he was at the Point with his family. This was, according to the best of my recollection, in 1823 or 1824. His family have lived on the land ever since, but not at the same place where they first lived. I have before stated, on direct examination, that in 1812 they were not on the land. Of the other parts I have no knowledge except as stated on direct examination. I know nothing of the concession from the Baron De Carondelet to Don Carlos De Vilemont. I have heard the claim spoken of, but know nothing of it of my own knowledge.

To the 3d interrogatory on cross-examination, he answers: As I have stated before, knew the persons named to have been on the land in 1811 or 1812, but no earlier. I have already stated that Moore, as I understood, settled on the land as tenant of De Vilemont, but the others, Neal Fronc, Hutsel, and Lefevre claimed under the Government of the United States, and afterwards, when the pre-emption act of 1814 was passed, claimed pre-emptions under that act, as I have heard. I know that Miles settled on the land in 1816, or about that time, and Walworth about the year 1828. I do not know that Miles or Walworth knew, before they purchased there, that De Vilemont claimed the whole of the land on Point Chicot under said concession.

I have heard of the claim set up by De Vilemont, myself, before that time, but never knew whether it was valid or not.

To the last cross-interrogatory, he answers: I know nothing further of any matter or thing touching the matters in controversy, that would be of benefit or advantage to either of the parties. And further this deponent saith not.

JOSEPH EGG.

Taken, sworn to, and subscribed before me, this 21st day of May, A. D. 1847, at the place in the caption hereof mentioned.

JOHNSON CHAPMAN.

I, Johnson Chapman, Commissioner appointed under and by virtue of the order in the dedimus hereto attached, and said commission do hereby certify, that, on the several days and at the place mentioned in the several captions to the depositions of Ambrose H. Sevier and Joseph Egg, the said Ambrose H. Sevier and Joseph Egg appeared before me, and that said depositions were severally taken, subscribed, and sworn to before me, on said several days, to wit, on the 12th and 21st days of May, A. D. 1847.

In testimony whereof, I have hereunto set my hand and seal, this said twenty-first day of May, A. D. 1847.

JOHNSON CHAPMAN, [SEAL.]
Commissioner.

And afterwards, to wit, on the 11th day of May, A. D. 1848, the following order was had, to wit:

At this day came the parties by their solicitors, whereupon, on motion of said complainants, it is ordered that this cause be, and the same is hereby postponed until Monday next.

And afterwards, to wit, on the 15th May, 1848, the following order was had in said cause, to wit:

At this day came the said parties, by their attorneys, whereupon the said complainants filed their motion and statement of grounds of a continuance of this cause, and the Court being fully advised in the premises, is of opinion that said motion ought to be, and the same is hereby sustained. Therefore it is ordered that this case be, and the same is hereby continued until the first Tuesday in October next.

Motion.

In the District Court of the United States for the trial of French and Spanish Land Claims.

The heirs and legal representatives of Don Carlos De Vilemont, deceased, *vs.* The United States, Horace F. Walworth, and others, defendants. } In Chancery.

Absalom Fowler states that he is now, and has been for some time past, sole agent and attorney for the plaintiffs in Arkansas, in the conducting and management of this cause. That the death of the said plaintiffs, James Blaine and Pedro De Vilemont, has left him without any resident clients in this State, well capable of giving him information by whom necessary facts could be proved. That late in the month of March last past, he, for the first time, ascertained through a gentleman on whom he fully relies for the truth, that a son of the late Joseph Bogy, now living near the Post of Arkansas, and a brother of the complainant, Catharine De Vilemont, who was the wife, as alleged, of Carlos De Vilemont, deceased, knows the fact that said last named deceased, in his lifetime, in the year 1795 or 1796, actually commenced the road mentioned in the said concession of land to him as a condition, and on which concession this suit is founded; and that by the hostility of the Indians alone he was actually compelled to abandon said road before it was completed, and that the hostility of the Indians continued for some time afterwards. That he also expects, and verily believes, that he can prove by said Bogy, and others, none of whom are now in this city, or within some distance of it, that the said complainants, who claim to be, and set forth in their said petition that they are the lawful heirs of the said Don Carlos, deceased, are such heirs in truth. That until the plaintiff's depositions, taken at New Orleans, were published since the commencement of this term, he relied confidently, and believed that full proof of such heirship was contained in said depositions, as he had given instructions for the proof thereof to be taken at New Orleans, and incorporated therein, but finds it was not done. That he filed interrogatories, and caused a commission to be issued to a commissioner appointed by the Court, resident at the Post of Arkansas, to wit, Mark Mitchell, Esquire, as soon as practicable or convenient after a knowledge of the above facts; and on the 28th day of April, 1848, left such commission, with copies of said interrogatories, and also of cross-interrogatories, filed by the District Attorney, and instructions for taking such depositions, and for the immediate return thereof, sealed up in a package, directed to said commissioner, at the Post of Arkansas, in person, for said commissioner; but no return thereof has yet been made, either with or without such depositions.

All of which evidence he deems material to the plaintiffs in this cause; and the same has not been established by any other evidence

as far as he knows or believes; and he believes that, if this cause is continued, for which he now moves, in behalf of said plaintiffs, such evidence can and will be procured within a reasonable time. And that this application for a continuance is not made for delay, but that justice may be done.

H. FOWLER.

Filed 15th May, 1848.

WM. FIELD, *Clerk.*
By JOHN T. TRIGG, *D. C.*

And afterwards, to wit, on the 5th day of October, 1848, the following order was had in said cause, to wit:

This day, came the plaintiffs, by attorney, and on his motion it is ordered that they have, and leave is hereby granted them to have, their depositions in this case opened and published, which is done accordingly.

(NOTE.—The depositions opened and published by the above order, have been copied in a preceding part of this transcript by mistake.)—*Clerk.*

And afterwards, to wit, on the 18th October, 1848, the following order was had, to wit:

This day, came the same parties, by their solicitors, and thereupon the said complainant moved the court to appoint George H. Galagher, Esquire, translator in this case; which motion be, and the same is hereby sustained; and Mr. Gallagher came before the court, and made oath, faithfully to perform the duties of translator in this case, according to the best of his ability.

(The translations, under the above app't, have been copied in their proper order.)

Vilemont's Deed to Tessier.

Know all men by these presents, that, whereas, on the 17th of June, 1795, the Baron de Carondelet, late governor of Louisiana and West Florida, granted to the Baron Carlos de Vilemont, then civil and military commandant of the Post of Arkansas, a tract of land on the river Mississippi, at the place called the Island of Chicot, twenty-five leagues below the mouth of the river Arkansas, having two leagues in front by one league in depth, agreeably to the order of survey, issued as aforesaid on the 17th of June, 1795. And whereas, on the 16th January, 1811, the aforesaid Carlos de Vilimont made and executed and instrument in writing, by which he transferred and set over unto Charles Tessier, of the State, then Territory, of Louisiana, one undivided half of the aforesaid tract of land, and promised to execute a title in good form to the said land; which transfer or cession was made for a valuable consideration heretofore received by the said Carlos de Vilemont from the said Charles Tessier, and in virtue of a verbal agreement which existed

between the said Carlos de Vilemont and the said Charles Tessier, long before the aforesaid instrument of writing was executed.

Now, therefore, I, Catharine Bougy, widow of the aforesaid Carlos de Vilemont, and acting herein both on my own behalf and as the guardian of Foi and Virginia Vilemont, my two daughters, under age, issued from my marriage with the said Carlos de Vilemont, and on behalf of Louis and Pedro Vilemont, also issued from the aforesaid marriage, but now absent from this territory; and we, Matilda Gibson, Carlos Vilemont, Jules Vilemont, and Ursin Vilemont, the lawful children and heirs of the said Carlos de Vilemont, here present, hereby ratify and confirm the said transfer, promising to deliver the aforesaid tract of land to the said Charles Tessier, his heirs, executors, administrators and assigns, whenever it shall be required; and to give such a title to the said land as, in conformity with the premises, the said Charles Tessier, his heirs or assigns, may desire of us: and further, in consideration of one dollar in hand paid, the receipt of which is hereby acknowledged, we hereby sell, bargain, transfer and make over unto the said Charles Tessier, of the parish of East Baton Rouge, in the State of Louisiana, his heirs, executors and administrators or assigns, the undivided half of the certain tract of land, granted as aforesaid, by the Baron de Carondelet, late governor of Louisiana and West Florida, to the aforesaid late Baron Carlos de Vilemont, by an order of survey, issued on the 17th of June, 1795, having two leagues in front, by one league in depth, and situated on the river Mississippi, at the place called the Island of Chicot, or Point Chicot, and adjoining the said place, in the Territory of Arkansas, with all the appurtenances thereunto belonging, giving to the said Charles Tessier the same and equal rights to the aforesaid tract of land as we ourselves possess, as the widow and children, and heirs at law, of the said Carlos de Vilemont, allowing them to enter on said land whenever he or his heirs and assigns shall think proper, and promising to make such a title to the aforesaid tract of land, in conformity with the premises, as the said Charles Tessier, his heirs, executors, administrators, or *or* assigns, or his counsel learned in law, may require.

In witness whereof, we have hereunto set our hand and seal, at Vilemont, Territory of Arkansas, this thirtieth day of September, eighteen hundred and thirty-three.

her
CATHERINE DE + VILEMONT, [L. S.]
mark
MATILDA GIBSON, [L. S.]
URSIN DE VILEMONT, [SEAL.]
C. D. VILEMONT,
J. DE VILEMONT, [L. S.]

Witnesses:
C. DE VILEMONT,
L. JANIN,
J. DE VILEMONT.

TERRITORY OF ARKANSAS,
County of Chicot.

This day, personally appeared before me, James Blain, an acting justice of the peace, within and for the county aforesaid, Jules de Vilemont and Usin de Vilemont, two of the signers of the foregoing instrument of writing, who acknowledged that they voluntarily signed, sealed, and delivered the same for the use and the purposes therein mentioned and contained.

Given under my hand and seal, this 30th of September, A. D., 1833.

JAMES BLAIN, *J. P.* [SEAL.]

TERRITORY OF ARKANSAS,
County of Chicot.

This day, personally appeared before James Blane, and acting justice of the peace, within and for the county aforesaid, Jules de Vilemont and L. Janin, two of the subscribing witnesses to the foregoing instrument of writing, who, being duly sworn according to the law, deposeth and saith, that Catharine de Vilemont, in her own behalf, Matilda Gibson, Carlos de Vilemont, also Catharine de Vilemont for her sons, Louis de Vilemont and Pedro de Vilemont, also for her two daughters, Zoe and Virginia, minor heiresses of the late Don Carlos de Vilemont, signed, sealed, executed and delivered the aforesaid instrument of writing for the use and purpose therein mentioned and contained.

Given under my hand and seal, this 30th day of September, A. D., 1833.

JAMES BLANE, *J. P.* [SEAL.]

TERRITORY OF ARKANSAS,
County of Chicot.

I, James Blane, clerk of the Circuit and County Courts and ex-officio recorder within and for the county of Chicot aforesaid, do hereby certify, that the within instrument of writing was filed for record in my office on the 30th day of September, in the year A. D., eighteen hundred and thirty-three, and the same is now duly recorded in Record Book A, pages 346 and 7.

In testimony whereof, I have hereunto set my hand and affixed the seal of office at Columbia, this the 6th day of November, in the year of our Lord, one thousand eight hundred and thirty-three, and of the Independence of the United States, the 58th.

[L. S.] JAMES BLAIN,
Clerk and Ex-officio Recorder.

Filed Octo. 26th, 1848.

WM. FIELD, *Clerk.*
By JOHN T. TRIGG, *D. C.*

To the Register of the Land Office, at Little Rock, in and for the Arkansas Land District, in the Territory of Arkansas.

SIR:

Please take notice, that I, William Russell, in part assignee of Carlos de Vilemont, and, in part, as agent for his heirs and other assignees, claim to be *reserved from the public sale*, the tract of land granted to the said De Vilemont, by the Baron de Carondelet, on the 17th of June, 1795, the then proper authority to grant lands, under the then Spanish government, which tract of land, so granted, is not yet confirmed by the United States, and is claimed to be reserved from the sale, embracing two straight or perpendicular leagues, front on the Mississippi River, by one league in depth, supposed to convey by survey, in conformity with the grant, about sixteen thousand acres of land, this Spanish grant to said De Vilemont, and reservation from sale asked includes, embraces, and covers the whole of Fractional Township, number 15, south in range, number one, east. And, also, Fractional Section, number thirteen, east; fractional half of section number twenty-three; fractional section number twenty-four; fractional section number twenty-five; section number twenty-six and twenty-seven; the east half of section number twenty-eight and thirty-three; section number thirty-four and thirty-five; and fractional section number thirty-six; of township number fifteen south, in range number one west. And, also, fractional section number one, and sections number two and three, and east half of sections four and nine, and sections number ten, eleven, and twelve, of township number sixteen south, in range number one west, the remaining quantity embraced by said Spanish grant, I claim the privilege hereafter of reserving by special notice at any time before the same may be sold at public sale.

The above reservations, including a part of Old River or of a large lake, that is, perhaps, lately determined to be a navigable stream, I respectfully assert that it was not so considered at the date of the grant to De Vilemont, or by the then Spanish government, nor does, or can it limit his grant as a boundary, no authority, but the court, which may finally adjudicate upon the claim, can be competent to determine the exact number of acres embraced by the grant, or competent to change any part of the boundaries from what the owners have claimed. The claim, as made by the owners, is to be reserved from sale, until the validity of the title, as well as the quantity and boundaries, are all decided by a competent court. This right and privilege is guarantied to the claimant by the tenth section of an act of Congress, passed and approved the 3d day of March, in the year 1811, still in force, to which act of Congress I beg your particular attention.

On the 18th day of January, in the year 1826, I furnished you the official certificate of the Recorder of Land Titles, proving that the foregoing claim and tract of land had been regularly recorded and

claimed, and was not confirmed; and, on the same day, I furnished you a notice of part of the land, to be reserved from sale, towards satisfying this claim; namely, the whole of fractional township, number fifteen, south in range, one east, for which certificate of the recorder, and notice of reservation from sale, you, on the same 28th of January, gave me your receipt. To that certificate and notice of reservation on file in your office, I respectfully ask your attention.

As all the foregoing, and other adjoining public lands, are now advertised to be offered at public sale, except "the lands reserved by law for the use of schools, or for other purposes," which lands, so reserved by law, are to be excluded from sale, you may deem it proper, that I should make the reservation entire and complete before the day of sale; in case of this being your opinion, I will then say, that the reservation shall begin on the Mississippi River, where the north boundary of fractional section number twenty-three, of townships number fifteen, south in range one west, intersects said river, and shall run, from said beginning, west 173 chains and 32 links, more or less, to the northwest corner of section number twenty-one, in the said township. Thence south six miles, (or two leagues,) to the northwest corner of section twenty-one, of township number sixteen, south in range one west. Thence east to the Mississippi River, be the distance more or less, thence up the meanders of said river to the beginning, being the whole amount claimed to be reserved and embraced by the aforesaid Spanish grant and claim of land.—Always holding and considering that, let the boundaries be reduced by ultimate legal adjudication, as they may, the whole of fractional township number fifteen, south in range one east, is to be positively reserved to the last, as being the most clearly and positively of all within the express limits of said Spanish grant and claim of land.

You will then observe, that, by the President's Proclamation, or advertisement, no lands advertised are to be offered at the sale, which have been reserved by law for the use of schools or for other purposes. That the aforesaid act of Congress, of the 3d of March, 1811, does reserve by law the foregoing, and other unconfirmed claims, till after the decision of Congress thereon. That no such decision has yet been made, or authorised in this claim. That official evidence of this tract being duly recorded and claimed, (as well as notice to you asking its reservation from sale,) has been filed in your office since 28th January, 1826. Under these authorities, the heirs and assignees of Carlos de Vilemont have claimed, and still claims, the reservation aforesaid, August 26th, 1830.

WM. RUSSELL.

In part assignee of Charles de Vilemont, and agent for his heirs and other assignees.

I hereby certify that the foregoing three, and a fourth, pages is a

true copy of an original paper now on file in this office. Given under my hand the 22d day of January, 1845.

W. W. STEVENSON,
Register.

Filed October 26th, 1848.

WM. FIELD, *Clerk.*
By JOHN P. TRIGG, *D. C.*

TERRITORY OF ARKANSAS,
County of Chicot.

Deed from Heirs of De Vilemont to Tessier.

Whereas the late Carlos de Vilemont did, on the 16th day of January, 1811, in virtue of a previous agreement, and for a good and valuable consideration theretofor received, execute a writing, by which he transferred, assigned, granted, conveyed, and set over to Charles Tessier, of the Parish of East Baton Rouge, State of Louisiana, the one undivided half of a tract of land, on the right bank or west bank of the Mississippi river, having two leagues in front by one league in depth, situated about 75 miles below the mouth of the Arkansas river, at the place called Point Chicot, now in Chicot county, Arkansas territory, which had been granted to him, the said Vilemont, on June the 17th (or thereabouts), 1795, by the Baron de Carondelet, then the Governor of the Province of Louisiana.

Now, therefore, and for and in consideration of one dollar in hand paid, the receipt whereof is hereby acknowledged, we hereby ratify, and confirm, and promise to stand by and defend the aforesaid transfer, assignment, grant, sale, or conveyance, as well as heirs of the late Carlos de Vilemont, our deceased brother, promising and agreeing to make hereafter, if it should be considered necessary, whatever title the said Charles Tessier, his heirs or assigns, may require of us, to the said undivided half of the aforesaid tract of land. In witness whereof, we have hereunto set our hands and seals. Vilemont, Point Chicot, this 28th day of July, 1835.

PEDR. DE VILEMONT. [SEAL.]
ZOE DE VILEMONT. [SEAL.]
VIRGINIA DE VILEMONT. [SEAL.]
URSIN DE VILEMONT. [SEAL.]

Signed, sealed, and delivered in the presence of the undersigned, Point Chicot, July 28th, 1835.

CHARLES DE VILEMONT.

TERRITORY OF ARKANSAS,
County of Chicot.

This day personally appeared before me, James Blaine, Clerk of the Circuit and County Courts, and ex-officio Recorder, within and for the county aforesaid, Pedro de Vilemont, Zoé de Vilemont, Vir-

ginia de Vilemont, and Ursin de Vilemont, persons well known to me, who acknowledged that they voluntarily executed and signed, sealed, and delivered the foregoing instrument of writing, for the use and purposes therein mentioned and contained.

In witness whereof, I have hereunto set my hand, and caused the seal of office to be affixed to the same, at Columbia, this 29th day of July, in the year of our Lord eighteen hundred and thirty-five, and of the Independence of the United States of America the 60th.

[SEAL.] JAMES BLAINE, *Clerk, &c.*

TERRITORY OF ARKANSAS,
County of Chicot.

I, James Blaine, Clerk of the Circuit and County Courts, and ex-officio Recorder, within and for the county aforesaid, do hereby certify, that the foregoing instrument of writing was filed for record in my office on the 29th day of July, A. D. 1835, and the same is now duly recorded on Record-book "B," page 118.

In testimony whereof, I have hereunto set my hand and affixed the seal of office, at Columbia, this 23d day of August, in the year of our Lord, one thousand eight hundred and thirty-five, and of the Independence of the United States the 60th.

[SEAL.] JAMES BLAINE,
Clerk and ex-officio Recorder.

Filed, October 26th, 1848.

WM. FIELD, *Clerk.*
By JOHN T. TRIGG, *D. C.*

Know all men by these presents, that whereas the late Carlos de Vilemont obtained, on the 17th Ju , 1795, from the Baron de Carondelet, then the Civil and Military Governor of the Province of Louisiana, the concession of a tract of land, fronting on the Mississippi river, about 25 leagues below the mouth of the river Arkansas, and on the same side, having two leagues in front by one league in depth, taking the Cypress swamp of the island of Chicot for the upper boundary: whereas the undivided half of the said concession of land was conveyed by the said Carlos de Vilemont to Charles Tessier, now of the Parish of East Baton Rouge, by an instrument of writing, executed on the 16th of January, 1811; which conveyance, transfer, and sale was fully ratified to the said Charles Tessier by the widow and heirs of the said Charles de Vilemont, by a deed executed on the 30th of September, 1833, and recorded in this county, on the 1st of November of the same year, and by another deed, executed on the of , 1836, and recorded in this county, on the of of the same year; by which last mentioned two deeds a new sale and conveyance of the said undivided half was made by the said widow and heirs of the said Carlos de Vilemont to the said Charles Tessier, his heirs and assigns: whereas the whole aforesaid interest, which

the said Charles Tessier had in the said claim, has been transferred, by divers mesne conveyances, to Robert J. Walker, of the State of Mississippi, and by the latter, by a deed executed and acknowledged at New Orleans, on the third day of the present month, to Louis Janin, of the City of New Orleans, State of Louisiana.

Now, therefore, we, Catherine Bougy, widow of the late Carlos de Vilemont, Pedro de Vilemont, Ursin de Vilemont, Zoé de Vilemont, wife of James Blaine, and the said James Blaine, all of Chicot County, State of Arkansas; the said Pedro, Ursin, and Zoé de Vilemont being now, together with Lewis and Carlos de Vilemont, at present absent from this county, the only surviving children of the said Carlos de Vilemont; and all the said persons being now the owners of the other undivided half of the said claim, hereby agree and stand by and maintain the validity of all the aforesaid instruments of writing and deeds, according to their true tenor and purport, as confirming and securing to the said Louis Janin, as assignee of the said Charles Tessier, the full and undisturbed ownership and possession of the undivided half of the said concession to the said Carlos de Vilemont, and of all the land therein embraced; and we further promise and agree, that if we, or any of us, shall sell the whole or part of our right, title, and interest in and to the aforesaid claim and land, the purchaser or purchasers thereof shall be bound by all the aforesaid deeds in favour of the said Charles Tessier and his assigns; and by the present declaration and agreement, according to the true and literal meaning thereof, that is, he shall be obliged to recognise the said Louis Janin as the lawful owner of the undivided half of the land embraced in the said claim, and of every part thereof, without being permitted to question *to* effect and validity of any of the aforesaid deeds, which are to be fully obligatory upon him, as explained in this instrument of writing.

And we further promise and agree, that if we, or any of us, shall sell the whole or a part of our aforesaid interest in the said claim, the contents of the present instrument of writing, or the substance thereof, shall be inserted in the deed or deeds of sale,—thus specially and explicitly binding the purchaser or purchasers to recognise the said Louis Janin as the owner of the undivided half of the said land, and every part thereof, for the purpose of protecting the said Louis Janin in his said ownership, and against any pretended technical or other difficulties, which might be urged against the deeds under which the said Louis Janin claims. And we further agree, that if, by involuntary neglect or forgetfulness, the said above explained explanations should not be inserted in any of the deeds of sales we may make of our aforesaid interests, the purchaser or purchasers thereof shall nevertheless be bound towards the said Louis Janin as fully as we are ourselves; provided the aforesaid deeds and the present declaration shall have been put on record in this county previous to the recording of the said sales.

The present declaration and agreement are both made, because

they are in entire accordance with the true tenor of the aforesaid instruments of writing and deeds, in favour of the said Charles Tessier and his assigns; and in consideration of one dollar, in hand paid, the receipt whereof is hereby acknowledged, and also in consideration of the expenses the said Louis Janin has had, and the service he has rendered and is rendering in the settlement of the said claim, and in procuring its confirmation, by which exertions the undersigned widow and heirs of the late Carlos de Vilemont are as much benefited as he, the said Louis Janin, is himself.

In witness whereof, we have hereunto set our hands and seals, at Vilemont, Chicot County, State of Arkansas, this sixteenth day of September, eighteen hundred and thirty-six.

CATHARINE DE VILEMONT. [SEAL.]
P. DE VILEMONT. [SEAL.]
ZOE BLAINE. [SEAL.]
JAMES BLAINE. [SEAL.]

Witness:
P. DE VILEMONT.

STATE OF ARKANSAS,
County of Chicot.

Be it remembered, that this day personally appeared before me, James Blaine, an acting Justice of the Peace within and for the county aforesaid, Catharine de Vilemont, P. de Vilemont, and Zoé Blaine, whose names are affixed to the foregoing instrument of writing, who acknowledge that they voluntarily signed, sealed, and executed the same, on the purposes therein named and expressed.

Given under my hand and seal, this 16th day of September, A. D., 1836.

JAMES BLAINE, *J. P.* [SEAL.]

The words voluntarily and the same, interlined before signing.

STATE OF ARKANSAS,
County of Chicot.

Personally appeared before me, Hiram Monell, an acting Justice of the Peace, within and for the county aforesaid, James Blaine, whose name is affixed to the foregoing instrument of writing, who acknowledges that he voluntarily signed, sealed, and executed the same for the purposes therein named and expressed.

Given under my hand and seal, this 16th day of September, A. D., 1836.

HIRAM MONELL, *J. P.* [SEAL.]

STATE OF ARKANSAS,
County of Chicot, ss.

I, James Blaine, Clerk of the Circuit and County Courts, and ex-

officio Recorder for the county aforesaid, do hereby certify that the foregoing instrument of writing was filed in my office for record, on the 16th day of September, A. D., 1836, and the same is now duly recorded in record book B, pages 259, 260, and 261.

In testimony whereof I have hereunto set my hand and affixed the seal of my office, at Columbia, the 27th day of October, in the year of our Lord, one thousand eight hundred and thirty-six, and of the Independence of the United States the sixty-first.

[SEAL.]

JAMES BLAINE, *Clerk, &c.*

Filed 26th October, 1848.

WM. FREED, *Clerk,*
By JOHN P. TRIGG, *D. C.*

No. 253.—To the Governor-General Don Carlos de Vilemont, Captain of the Regiment of Infantry of Louisiana, Civil and Military Commandant of the Post of Arkansas and its Districts, with the respect due to your lordship, represents, that wishing to establish a plantation and a stock farm, in order to furnish to the consumption, &c., of this post, in which there is such a scarcity of horned cattle, that for many months in the year the said post is without meat, although this is an indispensable article to life. He supplicates your lordship to condescend to grant him two leagues of land in front by one league in depth, having parallel limits, at the place called the Island of Chicot, at the distance of twenty-five leagues below the mouth of the River Arkansas, the Cypress Swamp at the Island of Chicot serving as the upper limit.

He hopes to receive this favour from your lordship's benevolence.

(Signed) CARLOS DE VILEMONT.

FORT SAN ESTELEAU DE ARKANSAS, *May 10th*, 1795.

NEW ORLEANS, *June 17th*, 1795.

The Surveyor-General of this province, or a deputy appointed by him, shall put the party in possession of the two leagues of land in front by one league in depth, which he solicits, at the place indicated in the foregoing memorial, provided they are vacant, and do not cause any prejudice, under the express condition to make the road and regular clearing in the peremptory term of one year, and this concession to be null if at the expiration of the precise term of three (years) the land should not be established; and during said term it shall not be alienable, under which condition (lui diligenciers de aper) the plot and certificate of survey shall be made out and remitted to me, in order to provide the interested with the corresponding title in form.

(Signed) EL BARON DE CARONDOLET.

ST. LOUIS, *December 1st*, 1834.

Truly translated from the original.

JULIUS DEMUN, *J. B. C.*

No. 253.—To the Honourable Commissioner, appointed in conformity with the act of Congress approved July 9th, 1832, entitled an act for the final adjustment of private land claims in Missouri.

GENTLEMEN,—

The petition of the undersigned, inhabitants of a tract of country situate on and contiguous to Point Chicot, and which tract is claimed by the heirs and representatives of Carlos de Vilemont, deceased, represent unto your honours, that the undersigned, feeling it a matter of deep concern to themselves, as well as a case in which the character of our common county may be materially implicated, conceive it therefore of the first importance to a correct appreciation of the merits of the said claim, that all the circumstances connected with the origin and pretensions of it be fully and clearly understood before any decision be had thereon.

Your petitioners, therefore, further represents to your honours, that, as they are informed and believe, this claim of the Vilemonts is founded only in an occasional arrangement made by one of the officers of the then Spanish authorities in this country, with Don Carlos de Vilemont, *conditioned* and *depending* for its completion upon the performance of certain acts on the part of De Vilemont, and that, of course, the failure on his part to perform all the stipulations devolving on him, would render the contract void and of no avail.

Now, if the conditions of the said contract, in *promised* concession of land, were such as they have been stated to your petitioners, they know full well that no part of them, nor any part of any one of said conditions were fulfilled within the time said to have been limited for that purpose. On this ground principally that your petitioners believe it is that all the attempts which had been made to bring the said claim before Congress previous to the passage of the act under whose authority your honours are appointed have uniformly been resisted by the Government. Encouraged by the steady and wise policy of the General Government as manifested in its continued repugnance to the confirmation of claims to large tracts of land to individuals (claims derived or pretended to be derived from preceding authorities), in all cases were the titles to the same have not been clear and unquestionable, and still more incited by the several generous acts of Congress, granting preemption to actual settlers on the public lands, your petitioners, or least several of them, have gone on for many years making extensive and permanent improvements on the tract of land claimed as above mentioned. Some of those improvements are large cotton plantations, now of great value to the individual occupant and of considerable utility in the public weal, besides several sections of the land so claimed have been *sold* and *patented* by the General Government, and a new and flourishing village is rapidly rising thereon.

Your petitioners further represent to your honours another fact, perhaps unknown to you, in proof that the Government has not re-

cognised this claim, viz.: these lands were surveyed as other public lands under the authority of the General Government in the year 1823, and the lines run to the cardinal points. No attention whatever being then paid to these claimants, as there are no marks nor boundaries to designate the lands claimed by them, nor is there any plat, or notes of any survey of such claim, on record in the proper office, or anywhere else that is known.

Your petitioners further state to your Honours, that many of them have, for upwards of twenty years, held peaceable possession of the lands so claimed, and which they still occupy and cultivate; nineteen years of which time they have considered their possession thereof has been under the sanction of the General Government, as proclaimed in the primary preemption law.

In conclusion, your petitioners beg leave further to state, that they have full confidence in the high character of your Honours, and in the dignified impartiality which a due consideration of the great responsibility of your station must inspire. That you will not, without the fullest conviction of the inflexible justice of the case, take from a whole county its courthouse, its jail, and public offices, and from a great many industrious and useful citizens, their houses, their independence, their alls, acquired after ten years of toil and privations, and give them to foreigners and speculators (for it should be known that the most of the said *claim* of the De Vilemont is now in the hands of speculators, and that they, the Vilemont family, could not be materially benefited by its confirmation) who are influenced by no motives but their cupidity, and who have done no service to this country to merit such indiscriminate munificence from our Government, all which is most respectfully submitted, and your petitioners, &c. &c.

SARAH BOONE,
J. C. JONES,
W. B. DUNCAN,
ISAAC ADAIR,
FRANCIS BROMGAEL,
THOMAS T. YOUNG,
RICHARDSON PETER,
JOSEPH H. REINSON,
GEORGE G. LANE,
JOHN CAUBOLT,
JOHN SHELBY,
D. L. F. RAYSDOR,
A. H. DAVIES,
H. TREPTILL,
JAMES McKENNEY,
STEPHEN ELLISON,
JAMES BLAINE,
JAMES ESTELL,
JOHN P. BOWILL,
H. S. SMITH,
W. HART,
JACOB O'BANNON,
B. L. MILES,
JOHN T. WHITE,
GEORGE McCLANEGEN,
JOHN HACKER,
E. DESTENES,
JAMES B. COLLENWORTH,
STEPHEN GARTER,
SAMUAL ESTELL,
JOHN HUNT,
JOHN SMITH,
HUGH WHITE, Sr., × his mark,
HUGH E. WHITE, Jr.,
JOHN WHITE,
PRESLEY H. WHITE,
S. R. GILMAN,
W. PRATT,
JOSIAH HOSKINS,
JAMES H. BLACKWELL,

REUBEN SMITH,
J. VANMETER,
H. F. WALWORTH,
W. A. HARDY,
HENRY LATTING,
JOHN FULTON,
ELIJAH BOSTON,
H. B. THARP,
SAMUEL PARKER,
GEORGE JONES,

St. Louis, December 6th, 1834.

The above memorial is truly copied from the original, filed before the Commissioners.

JULIUS LEMUN,
Clerk B. C.

Number.	Name of original claimant.	Arpents. Acres.	Nature and date of claim.	By whom granted.	By whom surveyed, date, and situation.
253	Carlos De Vilemont.	Two leagues in front by one league in depth.	Concession, 17th of June, 1795.	The Baron De Carondelet.	Point Chicot, twenty-five leagues below the mouth of the Arkansas river, on the Mississippi.

Evidence with reference to minutes and records.

St. Louis, *October 4th*, 1813.

Carlos De Vilemont, claiming two leagues of land in front by one league in depth, situate at fifteen miles (twenty-five leagues) below the mouth of Arkansas, on the Mississippi, at a place called Island of Chicot, produces concession from Baron De Carondelet, dated 17th June, 1795.

Joseph Bougy, duly sworn, says that, in 1795, claimant proposed to witness to settle on this tract, promising to give him the choice of situations on it, a tract for his own use. Witness declined on account of the supposed danger from the Indians. Indeed the neighbouring were at that time so hostile as to render it unsafe. They often committed outrages even in the village. Claimant was known as a Spanish officer and Commandant of the Post of Arkansas from the year from 1794 till 1802. The danger from the Indians continued until the year 1803.

Francis De Vaugéne, duly sworn, says that the Indians continued so unfriendly, or rather hostile, as to make it altogether unsafe to settle at the Isle of Chicot till the year 1803. (See Bale's Minutes, page 58.)

November 1st, 1834.—The Board met pursuant to adjournment. Present, F. R. Conway. J. H. Relfe, J. S. Mayfield, Commissioners.

Carlos de Vilemont, claiming two leagues of land in front by one league in depth, situate at Point Chicot. (See Record Book F, page

1; Bates' Minutes, page 58; Bates' Decisions, page 24.) Produces a paper purporting to be an original concession from the Baron de Carondelet, Governor General of Louisiana, dated 17th June, 1795.

M. P. Leduc, duly sworn, says, that the signature to the concession is in the true handwriting of the said Baron de Carondelet. See Book No. 7, page 62.

December 2d, 1834, the Board met, pursuant to adjournment. Present, F. R. Conway, J. H. Relfe, J. S. Mayfield, Commr's.

In the case of Carlos de Vilemont, claiming 2 leagues in front by 1 league in depth. See Book No. 7, page 62.

Pierre Chouteau, senior, being duly sworn, says: that the signature to the concession is in the true handwriting of the Baron de Carondelet; that he, Chouteau, first became acquainted with said de Vilemont in the year 1776 or 1777; that he knows that said de Vilemont was Captain in the Spanish service; that in 1802, witness going down to New Orleans in a boat, stopped at the mouth of Arkansas river, having some business to transact with Joseph Bougy, senior, who lived at the Post of Arkansas; that said Bougy told witness that de Vilemont (who was Bougy's son-in-law) had made a settlement at Point Chicot; that witness on his return in the summer of 1803 stopped at Point Chicot, expecting to meet with de Vilemont, but de Vilemont had gone down to New Orleans; that his agent living at Point Chicot gave witness vegetables of all kinds, poultry, &c.; that the improvement witness saw consisted of log houses and gardens; he did not see any fields; they might have been further in, interior; the houses, as well as he can recollect, had the appearance of having been built 2 or 3 years before.

Witness further says that he was well acquainted with Joseph Bougy, senior, who testified in this case before Recorder Bates; that said Bougy, sen'r, was a man of good character, known by every body for a man of veracity, and who could be relied upon. Witness further says that the De Vilemont family resided on said place, but does not know how long. See Book No. 7, page 76.

December 3d, 1834, the Board met, pursuant to adjournment. Present, F. R. Conway, J. S. Mayfield, S. H. Relfe, Commr's.

Carlos de Vilemont claiming 2 leagues of land in front by 1 league depth. See Book No. 7, page 62.

The Board are unanimously of opinion that this claim ought to be confirmed to the said Carlos de Vilemont or his legal representatives, according to the concession, reference being had to the opinion of the Hon'ble Joseph L. Smith, Judge of the Superior Court for the District of East Florida, as afterwards sustained by the decision of the Supreme Court of the United [States,] in the case of Arredando and others against the United States. See Book No. 7, page 77.

JAMES S. MAYFIELD,
JAMES H. RELF,
F. R. CONWAY.

Conflicting Claims.

For interfering claims *see* copy of memorial herewith transmitted, numbered 253.

GENERAL LAND OFFICE.

I, James H. Piper, Acting Commissioner of the General Land Office, do hereby certify that the foregoing, on pages from 1 to 6 inclusive, is a true copy from a report of the Recorder and Commissioner under the acts of Congress, approved the 9th day of July, 1832, and 2d March, 1833, for the final adjustment of private land claims in Missouri—on claim No. 253 (see doc. No. 59, H. Reps., 1st sess. 24th Congress, pages 579 to 582 inclusive.)

[L. S.] In testimony whereof I have hereunto subscribed my name and caused the seal of the said office to be affixed, at the City of Washington, this seventh day of September, one thousand eight hundred and forty-six.

JAMES H. PIPER,
Acting Commissioner.

Filed 26th October, 1848.

Attest, WM. FIELD, *Clerk.*
By JOHN T. TRIGG, *D. C.*

A.—Referred to in the General Certificate.

Carlos de Vilemont to Frederick Bates, Esquire, Recorder of land titles in the territory of Missouri. Please to take notice, that I claim under the late act of Congress respecting lands in this territory, two leagues of land in front by one league in depth, situate about five leagues below the mouth of Arkansas river, in the county of New Madrid, by virtue of the grant accompanying this notice, and in which the land is described.

CARLOS DE VILEMONT,
By *E. Hempstead, his Agent.*

Concession, So'r., Gov'r. Gen'l.

Plat of Fractional Township fifteen, south of the base line of Range one, east of the 5th principal meridian.

[For plat see original, attached to page 225.]

LAND OFFICE, *Helena, Arkansas, October* 22, 1836.

I, Henry L. Biscoe, Register of said office, do hereby certify that all the lands at Point Chicot, county of Chicot and state of Arkansas, as represented in the annexed plat, to wit, all of Fractional Township fifteen, south of the base line of Range one, east of the 5th principal meridian has been reserved for sale, for the purpose, as is alleged, of satisfying a grant of land made by the Spanish go-



vernment to the late Don Carlos de Vilemont, late Spanish Commandant at the Post of Arkansas.

And I do further certify that I have heard of the existence of such a grant of land from general rumour, ever since the year 1821 when I first came to Arkansas.

Given under my hand this 22d October, 1836.

H. L. BRISCOE,
Register.

Endorsed as follows, to wit:

DE VILEMONT, HEIRS, vs. THE UNITED STATES. } In Chancery.

Official Plat of the De Vilemont lands reserved from sale, &c.
Evidence for Plaintiff.

Filed October 26th, 1848.

WM. FIELD, *Clk.*
By JOHN T. TRIGG.

A plat of Fractional Township 15, south of the base line, range one east of the 5th principal meridian, also sections 13, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36. Town 15, south of the base line, range one west of the 5th principal meridian; also, a plat of sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, and 16. Township 16, south of the base line, range one west of the 5th principal meridian.

[For plat, see original attached to page 226.]

SURVEYOR'S OFFICE, LITTLE ROCK, ARKANSAS,
October 23d, 1848.

The above plat of Fractional Township 15, south of the base line, range one east of the 5th principal meridian, of sections 13, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36. Township 15, south of the base line, range one east of the 5th principal meridian, and of sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, and 16. Township 16, south of the base line, range one west of the 5th principal meridian, is a true copy from the original plats on file in this office.

WM. PELHAM,
Surveyor-General of the Public Lands in Arkansas.

Minutes of the Recorder of Land Titles, acting as Commissioner, under the act of Congress, entitled, "An Act for making further provisions for settling the claim to land in the territory of Missouri," passed the 13th day of June, 1812, and other acts subsequently passed.

FREDERICK BATES,
Commissioner.

(See Recorder Bates' minutes, page 1.)

SAINT LOUIS, *October 4th*, 1813.

Carlos de Vilemont, claiming two leagues of land in front, by one league in depth, situate at seventy-five miles below the mouth of Arkansas, on the Mississippi, at a place called Island of Chicot—produced concession from Baron de Carondelet, dated 17th June, 1795.

Joseph Bogy, duly sworn, says, that, in 1795, defendant proposed to witness to settle on his tract, promising to give him the choice of situations on it, a tract for his own use. Witness declined, on account of the supposed danger from the Indians. Indeed, the neighbouring Indians were, at that time, so hostile as to render it unsafe. They often committed outrages even in the village. Defendant was known as a Spanish officer, and Commandant of the Post of Arkansas from the year 1794 to 1802. The danger from the Indians continued until the year 1803.

Francis de Vaugine, duly sworn, says, that the Indians continued so unfriendly, or rather hostile, as to make it altogether unsafe to settle at the Isle of Chicot till the year 1803.

(See Recorder Bates' minutes, pages 57 and 58.)

To the Honourable Commissioners appointed in conformity with the act of Congress, approved July 9th, 1832, entitled, "An Act for the adjustment of private land claims in Missouri."

GENTLEMEN:

The petition of the undersigned, inhabitants of a tract of country situate on and contiguous to Point Chicot, and which tract is claimed by the heirs and representatives of Carlos de Vilemont, deceased, represent to your honours, that the undersigned, feeling it a matter of deep concern to themselves, as well as a case in which the character of our common country may be materially implicated, conceive it, therefore, of the first importance, to a correct appreciation of the merits of the said claim, that all the circumstances connected with the origin and pretensions be fully and clearly understood before any decision be had thereon.

Your petitioners, therefore, further represent to your honours, that, as they are informed and believe, this claim of Vilemont is founded only in an occasional arrangement, made by one of the officers of the then Spanish authorities in this country, with Don Carlos de Vilemont, *conditioned* and *depending* for its completion upon the performance of certain acts on the part of De Vilemont, and that, of course, the failure, on his part, to perform all the stipulations devolving on him, would render the contract void, and of no avail. Now, if the conditions of the said contract, or *promised* concession, were such as they have been stated to your petitioners, they know full well, that no part of them, nor any part of any one of said conditions, were fulfilled within the time said to have been limited for that

purpose. On this ground, principally your petitioners believe it is, that all the attempts which had been made to bring the claim before Congress, previous to the passage of the act, under whose authority your honours are appointed, have uniformly been resisted by the government. Encouraged by the steady and wise policy of general government, as manifested in its continued repugnance to the confirmation of claims to large tracts of lands to individuals, (claim derived, or pretended to be derived, from preceding authority,) in all cases where the titles to the same have not been clear and unquestionable, and still more incited by the several generous acts of Congress, granting pre-emption to actual settlers on the public lands, your petitioners, or at least several of them, have gone on for several years making extensive and permanent improvements on the tract of land claimed as above mentioned. Some of these improvements are large cotton-plantations, now of great value to the individual occupant, and of considerable utility in the public weal. Besides, several sections of the land have been *sold* and *patented* by the General Government, and a new and flourishing village is rapidly rising thereon.

Your petitioners further represent to your honours, another fact (perhaps unknown to you,) in proof that the government *that the government* has not recognised this claim, viz.: these lands were surveyed as other public lands, under the authority of the General Government, in the year 1823, and the lines ran to the cardinal points. No attention, whatever, being then paid to those claimants, as there are no marks or boundaries to designate the land claimed by them, nor is there any plat, or notes of any survey, of such claim or record in the proper office, or anywhere else that is known.

Your petitioners further state to your honours, that many of them have, for upwards of twenty years, held peaceable possession of the lands so claimed, and which they still occupy and cultivate: nineteen years of which time they have considered their possession thereof, has been under the sanction of the General Government, as proclaimed in the primary Pre-emption Law.

In conclusion, your petitioners beg leave further to state, that they have full confidence in the high character of your honours, and in the dignified impartiality which a due consideration of the great responsibility of your station must inspire. That you will not, without the fullest conviction of the inflexible justice of the case, take from a whole county its court-house, its jail, and public offices, and from a great many industrious and useful citizens their homes, their independence, their all, acquired after years of toil and privations, and give them to foreigners and speculators, (for it must be known that the most of the said *claim* of the De Vilemont family could not be materially benefited by its confirmation,) who are influenced by no motive but their cupidity, and who have done no service to this country to merit such indiscriminate munificence from our government.

All which is most respectfully submitted, and your petitioners, &c.,

SARAH BOONE,	JOHN HACKER,
JOHN C. JONES,	E. DESTINEY,
W. B. DUNCAN,	JAMES B. COLLINSWORTH,
ISAAC ADAIR,	STEPHEN GARBER,
FRANCIS BOUMGARD,	SAMUEL ESTILL,
THOMAS J. YOUNG,	W. HUNT,
RICHARDSON PETER,	JOHN SMITH,
JOSEPH H. RINSON,	HUG. WHITE, his × mark,
GEORGE G. LANE,	GEORGE JONES,
JOHN CASEBALT,	HUGH E. WHITE, Jr.,
JOHN SHELBY,	JOHN WHITE,
D. L. T. RAYSDON,	PRESLEY H. WHITE,
A. H. DAVIES,	S. R. GILMORE,
H. TRIPLEST,	W. PRATT,
JAMES M'KENNY,	JOSIAH HOSKINS,
STEPHEN ELLISON,	JAMES A. BLACKWELL,
JAMES BLAINE,	REUBEN SMITH,
JAMES ESTELL,	J. VAN MATER,
JOHN P. BOWRIE,	H. F. WALWORTH,
H. S. SMITH,	W. A. HARDY,
W. HART,	HENRY LATTING,
JACOB O. BANNON,	JOHN FULTON,
B. L. MILES,	ELIJAH BOSTON,
JOHN T. WHITE,	S. B. THARP.
GEORGE M'CLANEGEN,	SAMUEL PARKER,

See original memorial on file in the United States' Recorder's Office.

SATURDAY, *Nov.* 1*st*, 1834.

The Board met pursuant to adjournment, present J. R. Conway, J. W. Relfe, J. S. Mayfield, Commissioners.

Carlos de Vilemont, claiming two leagues of land in front, by one league in depth, situate Point Chicot.

See Record Book, F., page 1; Bates' Minutes, page 58; Bates' Decisions, page 24.

Produces a paper purporting to be an original concession from the Baron de Carondelet, Governor-General of Louisiana, dated 17th June, 1795.

M. P. Leduc, duly sworn, says, that the signature to the concession is in the true handwriting of the said Baron de Carondelet.

Adjourned until Monday next, at 9 o'clock A. M.

F. R. CONWAY,
J. H. RELFE,
J. S. MAYFIELD.

See Minutes of late Board of Commissioners, book No. 7, pages 61 and 62.

TUESDAY, *December 2d*, 1834.

The Board met pursuant to adjournment, present F. R. Conway, J. H. Relfe, J. S. Mayfield, Commissioners.

In the case of Carlos de Vilemont, claiming two leagues in front by one league in depth. See book No. 7, page 62.

Pierre Chauteau, senior, duly sworn, says, that the signature to the concession is in the true handwriting of the Baron de Carondelet; that he, Chauteau, first became acquainted with said De Vilemont in the year 1776 or 1777; that he knows that said De Vilement was captain in the Spanish service; that, in 1802, witness, going down to New Orleans in a boat, stopped at the mouth of the Arkansas River, having some business to transact with Joseph Bougy, senior, who lived at the Post of Arkansas; that said Bougy told witness, that De Vilemont (who was Bogy's son-in-law,) had made a settlement at Point Chicot; that witness, on his return, in the summer of 1803, stopped at Point Chicot, expecting to meet with De Vilemont, but De Vilemont had gone down to New Orleans; that his agent, living at Point Chicot, gave witness vegetables of all kinds, poultry, &c.; that the improvements witness saw consisted of log-houses and gardens; he did not see any fields; they might have been further in the interior; the houses, as well as he can recollect, had the appearance of having been built two or three years before. Witness further says, that he was well acquainted with Joseph Bougy, senior, who testified in this case before Recorder Bates; that said Bougy, senior, was a man of good character; known by everybody for a man of veracity, and who could be relied upon. Witness further says, that the De Vilemont family resided on said place, but does not know how long.

Adjourned until to-morrow at 9 o'clock, A. M.

JAMES S. MAYFIELD,
JAMES H. RELFE,
F. R. CONWAY.

See minutes of the late Board of Commissioners, Book No. 7, pp. 76 & 77.

WEDNESDAY, *Dec.* 3, 1834.

The board met persuant to adjournment. Present, F. R. Conway, J. S. Mayfield, J. H. Relfe, commissioners.

Decision 253. Carlos de Vilemont claiming 2 leagues square in front, by 1 league in depth. See No. 7, pages 62 & 76. The board are unanimously of opinion that this claim ought to be confirmed to the said Carlos de Vilemont, or to his legal representatives, according to the concession; reference being had to the opinion of the Honourable Joseph L. Smith, Judge of the Superior Court for the District of East Florida, as afterwards sustained by the decision of the Supreme

Court of the United States in the case of Arredando and others against the United States.

The board adjourned until to-morrow, 10 o'clock, A. M.

F. R. CONWAY,
JAMES H. RELFE,
JAMES S. MAYFIELD.

See minutes of the late Board of Commissioners, pages 77 & 78.

B.

Referred to in the general certificate to the governor-general.

Don Carlos de Vilemont, Captain of the Regiment of Infantry of Louisiana, Civil and Military Commandant of the Post of Arkansas and its Districts, with the respect due to your lordships, represents that, wishing to establish a plantation and a stock farm, in order to furnish the consumption of this post, in which there is such scarcity of horned cattle that for many months in the year the said post is without meat, although this is an indispensable article of life. He supplicates your lordship to condescend to grant him two leagues of land in front, by one league in depth, having parallel limits, at the place called the Island of Chicot, at the distance of twenty-five leagues below the mouth of River Arkansas, the Cypress Swamp at the Island of Chicot serving as the upper limit.

He hopes to receive this favour from your lordship's benevolence.

CARLOS DE VILEMONT.

Fort San Estebaw de Arkansas, May 10, 1795.

NEW ORLEANS, *June 17th*, 1795.

The surveyor-general of this province, or a deputy approved by him, shall put the party in possession of two leagues of land in front, by one league in depth, which he solicits, at the place indicated in the foregoing memorial, provided they are vacant and do not cause any prejudice, under the express condition to make the road and a regular clearing in the peremptory term of one year, and this concession to be null if, at the precise expiration of three years, the land should not be established, and during said term it shall not be alienable: under which conditions (los delinquencias de apeo), the plat and certificate of survey shall be made out and remitted to me, in order to provide the interested with the corresponding title in form.

EL BARON DE CARONDELET.

ST. LOUIS, *December*, 1834.

Truly translated from the original.

JULIUS DEMUN,
C. B. C.

A.

Referred to in the General Certificate.

Opinions of the Recorder of Land Titles for Missouri Terr'y, as to claims entered under act of 13th June, 1812, and proven before 1st Jan'y, 1814, as provided by the act of 3 March, 1813, comprehending also the claims in the late District of Arkansas, which, by act of 2d Aug., 1813, were permitted to be entered until 1st Jan'y, 1814, and proven until 1st July, 1814, together with the extension of quantity provided by 4th sec. of the act of 3d March, 1813, and confirmations under the act of 12th April, 1814.

Warrant or order of Survey.	Survey.	Notice of the Recorder by whom?	Quantity claimed.	Where claimed.	Poss'n., Inhab., or Cult'n.	Opinions of the Recorder.
Baron Carondelet, 17th June, 1795.	Special location.	Carlos de Vilemont.	2 leagues in front, by one league in depth.	Opposite Isle Chicot, below mouth of Arkansas River, 75 miles.	Danger from Indians — prevented settlement.	Not confirmed—conditions not complied with.

Recorder's Office, St. Louis, 21*st April*, 1847.

I certify the above to be truly abstracted from page 24 in book No. 2, except the caption, which is truly transcribed from page 1, of book No. 1, being two of the small five books, with the following endorsement on the first, and also on the fifth book, believed to be in the proper handwriting of Frederick Bates, to wit: These five small books are originals in the proper handwriting of the undersigned, being his decisions on land claims since the adjournment of the late board. They were arranged and fairly transcribed for report to the Commissioner of the General Land Office, but not yet recorded in the books, because they have no authority till sanctioned by government.

St. Louis, *Nov.* 1*st*, 1815.

FREDERICK BATES,
Recorder Land Titles.

All on file in this office.

LOREN SPENCER,
U. S. Recorder of Land Titles for the State of Missouri.

The Heirs of De Vilemont vs. The United States. 1904. No. 111.

RECORDER'S OFFICE, ST. LOUIS, 21*st April*, 1847.

I certify that the foregoing document marked A, and the annexed document marked H, contain a full, true, and complete transcript from the record books and documents on file in this office, as far as I have been able to ascertain, which relates to the claim of Charles de Vilemont of 2 leagues in front by one league. The pages from which the foregoing is transcribed are set down therein as concerns books and records. That the said claim, to the extent of 2 by 1 leagues, was recommended for confirmation by the Recorder of Land Titles in the State of Missouri, and the two commissioners associated with him under the act of Congress of the 9th July, 1832, entitled "An act for the final adjustment of private land claims in Missouri," and the act of the 2d of March, 1833, supplemental thereto, in their report to the Commissioner of the General Land Office of the 30th of September, 1835, under number two hundred and fifty-three, which said report was acted upon by Congress in their act of the 4th of July, 1836, entitled "An act confirming claims to land in the State of Missouri, and for other purposes." The part B of the foregoing is a correct copy of the translation of the Spanish petition and concession in this case, made by the translator of the said board of commissioners.

LOREN SPENCER,
U. S. Recorder of Land Titles in the State of Missouri.

Fee $5 12½.

Paid by W. M. M'PHERSON.

Filed 26th of October, 1848.

WM. FIELD, *Clerk*,
By JOHN T. TRIGG, *D. C.*

LAND OFFICE, LITTLE ROCK, *May 25th*, 1830.

Sir:—Applications have been recently made to me to locate five settlers' claims (confirmed at this office under the acts of Congress of 24th May, 1828, and 6th Jany., 1829), on "the unappropriated lands in the Arkansas Military District, situate within the Land District of Little Rock."

An application has likewise been made to locate a settler's claim in fr. township No. 15, S. and Range No. 1, East. A claim to this township having been filed by the heirs of Don Carlos de Vilemont, I was instructed by you to reserve it from sale until the claim was adjudicated.

Under these circumstances I refused to admit locations to be made either in the Military District or in the above mentioned township, which I hope will meet with your approbation.

I have the honour to be
Very respectfully, sir,
Your obd't serv't,
B. SMITH.

GEORGE GRAHAM, Esq.,
Comm. of the General Land Office, Washington.

LAND OFFICE, LITTLE ROCK, 19*th November*, 1830.

SIR,—

The public sales of lands commenced at this office, on Monday the 11th, and closed on Saturday the 23d ult.

All the townships embraced in the President's proclamations were offered for sale, with the exception of T. 15 S. of R. 1 E., being claimed by the heirs of Don Carlos de Vilemont as a Spanish grant.

We considered ourselves bound to reserve this township from sale, in compliance with instructions from the late commissioner of the General Land Office. See his letters of the 5th of April and 7th June, 1826, referring to the act of Congress reserving such claims from sale, until disposed of by Congress.

The sum of $313 78 was all that was received during the sale.

The sum of $1075 97 was received previous to the sale, by persons claiming preemption rights under the act of Congress of the 29th of May, 1830.

The fact of our limited sales is to be accounted for, by 9238 acres of the best and most valuable land in scope of country offered, having been taken up by the location of claims under the act of Congress of the 24th of May, 1828, granting lands to certain persons in Arkansas Territory.

A great proportion of the above lands thus secured occupy the most eligible and old settled sites, above inundation on the Mississippi River in this territory, and being pretty well improved with cotton gins, &c., on them, would have brought, some of them, from ten to twenty dollars per acre, in all probability, if they had come into market.

The claims above referred to have almost entirely, for the present, forestalled the demand for land. We are, sir, very respectfully,

Your obedient servants,

BEN. DESHA.
B. SMITH.

Commissioner, General Land Office,
Washington.

OFFICE OF THE RECORDER OF LAND TITLES,
ST. LOUIS, MISSOURI, (*March*,) *April 28th*, 1846.

SIR,—

In reply to your letter of March 5th, 1846, desiring to be informed at what time the documents were filed, on which the report was made, on the 4th day of October, 1813, in the Vilemont claim, I am sorry to inform you that the exact information cannot be obtained in this office. The notice to the recorder that such a tract or parcel of land was claimed is generally evidence, I believe, of the time of the filing of the documents upon which the claim was founded.

In this particular instance the notice to recorder has no date. It is

commencement of record book F, and the notice succeeding the same bears date September 30th, 1812.

The last notice to the recorder, in Record Book E, bears date the 31st of October, 1812. The above facts, I think, prove that the documents in the said Vilemont claim were filed, either in the month of September or October, A. D., 1812.

Very respectfully,
Your obedient servant,
LOREN SPENCER,
U. S. Recorder of Land Titles in the State of Missouri.

To James Shields, Esq.,
Comm'r of the Gen'l Land Office,
Washington City.

GENERAL LAND OFFICE.

I, James H. Piper, acting Commissioner of the General Land Office, do hereby certify that the foregoing, or pages 1, 2, 3, and 4, are true copies from the original on file in this office.

In testimony whereof, I have hereunto subscribed my name, and caused the seal of the said [L. S.] office to be affixed, at the City of Washington, this seventh day of September, one thousand eight hundred and forty-six.

JAMES H. PIPER,
Acting Commissioner.

Filed 26th Oct., 1848.

WM. FIELD, *Clerk,*
By JOHN P. TRIGG, *D. C.*

GENERAL LAND OFFICE, *January 18th*, 1845.

Hon. A. H. Sevier,
Senate U. States.

SIR,—

I have the honour to return herewith the letter to you of the 10th ult., from H. F. Walworth, by A. G. Sellingham, Esq., in reference to fractional township 15 south, range 1 east, Helena District, Arkansas; and on the subject of inquiry, have the honour to enclose herewith a copy from the record of a letter from this office, dated 7th June, 1826, to the Register of the Land Office at Little Rock, authorizing the reservation of the Vilemont claim from sale, and also a copy of a letter, dated 19th Nov., 1830, from the Register and Receiver at Little Rock to the Commissioner, representing as *excepted* from the offering under the President's proclamation—"T. 15 S, of R. 1 E., being claimed by the heirs of Don Carlos de Vilemont as a Spanish grant."

The Vilemont claim is entered as No. 253, in the first class of the decisions of the late board in Missouri, under the acts of 9th July, 1832, and 2d March, 1833, in which report the board expressed the "opinion, that this claim ought to be confirmed to the said Carlos de Vilemont, or to his legal representatives," &c.

It is not included, however, in the confirming provisions of the act of 4th of July, 1836, but being reserved from sale under existing legislation, no entries can be allowed within its limits, and definitive executive action in the premises must necessarily be deferred, to await the further action of Congress or of the courts.

With great respect,
Your obedient servant,
THO. H. BLAKE,
Commissioner.

GENERAL LAND OFFICE, *January 20th*, 1845.

Hon. A. H. Sevier,
Senate U. States.

SIR,—

On the subject of your letter of the 18th inst., to-day received, I have the honour to inform you, that under *that* date I addressed a communication to the Register and Receiver at Helena, stating that for their information I enclosed them a copy of my letter to you, "in reference to the Vilemont claim," which they would "perceive is to be reserved from sale."

I will, under the present date, also send them a copy of the letters therein referred to, viz., a copy from the record of Commissioner Graham's letter of 1st June, 1826, to Register at Little Rock, and the letter of the 19th Nov., 1830, from the land officers at that place, representing that T. 15 S, R. 1, E., had been excepted from offering under the President's proclamation, it being claimed by the heirs of Don Carlos de Vilemont.

With great respect,
Your obedient servant,
THO. H. BLAKE,
Commissioner.

GENERAL LAND, *January 20th*, 1845.

Register and Receiver,
Helena, Arkansas.

GENTLEMEN,—

In reference to the land covered by the De Vilemont claim, *which you are required to withhold from sale*, I herewith enclose copies of the following letters, viz., 1st. A copy from the record of a letter dated 7th June, 1826, from Commissioner Graham to Register at Little Rock. 2d. A copy of a letter dated 19th Nov., 1830, to the Commissioner from the land officers at that place.

These are the letters referred to in the communication of the 18th inst., from this office to the Hon. A. H. Sevier, a copy of which I send to you under that date.

Very respectfully,
Your obedient servant,
THO. H. BLAKE,
Commissioner.

GENERAL LAND OFFICE, *7th June*, 1826.

Bernard Smith, Esq.,
Register Little Rock, A. T.

SIR,—

I enclose a copy of a letter dated the 18th ulto. from the Recorder of Land Titles at St. Louis, by which you will perceive that the claim of Carlos de Vilemont to a tract of two leagues front by one league in depth on the Mississippi river, about five leagues below the mouth of Arkansas, was regularly filed with the late Recorder. When the situation and boundaries of that tract are sufficiently established to authorize the marking of it on your plats, you will be pleased to reserve it from sale.

I am, &c.,
G. G.

(9)

GENERAL LAND OFFICE,
March 5th, 1846.

Loren Spencer, Esq.,
Recorder.
St. Louis, Missouri.

SIR,—

L. Janin, Esq., deposited in this office the enclosed letter to you from him, desiring certain information relative to the Vilemont claim, requesting that I would send it to you and recommend a compliance with his request.

You will be pleased the information sought by him, addressing him at New Orleans, and at the same time furnish this office with like information in the case.

Very respectfully,
Your ob't servant,
JAS. SHIELDS,
Commissioner.

GENERAL LAND OFFICE,
September 7th, 1846.

I, James H. Piper, Acting Commissioner of the General Land Of-

fice, do hereby certify that the foregoing on pages 1, 2, 3 and 4, are true copies from the records in this office.

In testimony whereof I have hereunto subscribed my name and caused the seal of said office to be affixed, at the city of Washington, on the day and year above written.

[L. S.]

JAMES H. PIPER,
Acting Commissioner.

Filed 26th October, A. D., 1848.

WM. FIELD, *Clerk.*
By JOHN T. TRIGG, *D. C.*

And afterwards, to wit, on the 26th October, 1848, the following order was had in said cause, to wit:

This day came the said parties by their respective solicitors, whereupon this cause came up for final hearing, and thereupon the further consideration is postponed until to-morrow morning.

And afterwards, to wit, on the 27th of October, 1848, the following was had in said cause, to wit:

This day came the parties, by their solicitors, and this cause came on to be further heard, and is argued by counsel, whereupon the following admissions are made on the part of the defendants, and ordered to be entered of record, to wit: the defendants all admit that Joseph Bogy and Francis Vaugene, the witnesses named in the transcript filed as evidence by the said plaintiffs, to wit, one signed by the Recorder of Land Titles in St. Louis, Missouri, and the other by the Commissioner of the General Land Office, were dead before the commencement of this suit, and that Pierre Chouteau, another witness named in the same transcript, never has resided in the state or district of Arkansas, and is now either dead or resides in St. Louis, Missouri, and that the signatures of William Pelham, Surveyor-General, and Henry L. Biscoe and William W. Stevenson, as Registers of Land Offices, to the respective certificates made by them and filed as evidence by the said plaintiffs, are the genuine signatures of said Surveyor-General and Registers, and such admissions are to be used and considered as evidence in the same manner, and as fully as if such facts so admitted had been regularly proved by deposition or otherwise; and thereupon this cause be and the same is hereby postponed until to-morrow morning.

And afterwards, to wit, on the 28th day of October, 1848, the following was had in said cause, to wit:

This day came the parties, by their solicitors, whereupon the district attorney filed objections to the testimony of the complainants, and thereupon this case is submitted to the Court upon petition, answer, exhibits, exceptions and testimony, whereupon the Court takes the same under advisement.

Objections.

THE HEIRS OF DON CARLOS DE VILEMONT,
vs.
THE UNITED STATES, et al.

District Court of the United States, for the district of Arkansas, sitting for the adjudication of French and Spanish claims, October Term, A. D., 1848.

S. H. Hempstead, United States Attorney for the said district of Arkansas, for and in behalf of the United States, objected to the testimony and documents offered by the said petitioners at the hearing, and had leave to file his objections in writing at another day to the testimony so offered, viz.:

1st. To the transcript from the General Land Office, certified by James H. Piper, Acting Commissioner, on the 7th day of September, 1846. 1st. Because the same cannot, by law, be received as evidence in this case. 2d. And to the testimony of Joseph Bougy and Francis de Vaugene because it is exparte, and is incompetent and irrelevant. 3d. And to the statements of Pierre Chouteau, purporting to have been taken in 1834, because the Board had no authority to take the same; because it is irrelevant. 4th. And to such part of the deposition of said Chouteau as relates to what Joseph Bougy told him, the same being hearsay and incompetent. 5th. And to the whole transcript, because it purports on its face to be extracts from papers and records in said General Land Office.

2d. To the letters of B. Smith No. 2; to that of B. Smith and Ben Desha, No. 3; to that of Loren Spencer, No. 4; to those of Tho. H. Blacke, No. 5, No. 6, No. 7; the letter to Bernard Smith, of June 7th, 1826, No. 8; that of Jas. Shields, No. 9, respectively; the said letters being irrelevant.

3d. And to the transcript from the Recorder's office, at St. Louis, certified by Loren Spencer, U. S. Recorder of Land Titles in the state of Missouri, on the 21st of April, 1847, because he has no authority by law to certify copies of papers in his office so as to make such copies evidence; because the matters certified are irrelevant and incompetent, and because the same matter is contained in the transcript from the General Land Office.

4th. To the depositions of Edward Simon, Louis Bouligny, Antoine Cruzat and Felix Gusra, taken at New Orleans before N. R. Jennings, Commissioner; and to the papers and documents therein referred to, so far as said depositions and documents contain incompetent or irrelevant or inadmissible matters.

4th. To the certificate of H. L. Biscoe, of date October 22d, 1836, because the same is irrelevant and inadmissible.

5th. To the respective conveyances and transfers in the case, because the same are not admissible in evidence.

6th. And to the paper certified by W. W. Stevenson, Register, on the 22d of January, 1845, because the same is irrelevant.

And the said attorney prays that the Court may disregard and reject so much of the testimony and documents and papers so offered by the petitioners as may be inadmissible, incompetent or irrelevant.

S. H. HEMPSTEAD,
United States Atty. of Ark's.

Filed 28th October, A. D., 1848.

WM. FIELD,
Clerk.
By JOHN T. TRIGG.

And afterwards, to wit, on the 30th of October, 1848, the following decree was rendered in this cause, to wit:

Petition in Chancery.

Catharine de Vilemont, widow of Carlos de Vilemont, sr., Carlos de Vilemont, jr., Ursin de Vilemont, Pedro de Vilemont, Zoe de Vilemont and James Blaine, her husband, Don Carlos Gibson, Cecilia Gibson and Adelia Gibson, the last three being infants, and appearing by the said Catharine their guardian, and Louis de Vilemont, the heirs and legal representatives of Don Carlos De Vilemont, deceased, and Armentine Mercier and Pierre Soulé, her husband, Adele Mercier and Louis T. Caire, her husband, Armando Mercier, Alfred Mercier, and Leontine Bouligny, the widow of Jean Jacques Mercier, and now the wife of Didier Dreux, herein acting as tutrix of her minor son, Augustus Mercier, and assisted and authorized by said Didier Dreux, her husband and co-tutrix, and Charles Tessier, petitioners, *vs.* The United States of America, Horace F. Walworth, Mary B. Miles and James B. Miles, defendants.

This day came the parties, by their solicitors, and this cause coming on for final hearing, was argued by counsel and submitted to the court and taken under advisement; and the court being now fully advised in the premises, delivers the following opinion and decree, to wit:

The claim of the petitioners, heirs and legal representatives of Don Carlos de Vilemont, civil and military commandant of the Post of Arkansas and its districts, is based upon the request or petition of the said De Vilemont, bearing date on the 10th of May, 1795, to the Baron de Carondelet, governor-general of Louisiana, to grant to him a tract of land, having a front of two leagues by a depth of one league, with parallel boundaries, situated in the place called the Island del Chicot, distant twenty-five leagues below the mouth of the Arkansas river; the Cypress Swamp on the Island del Chicote being the upper boundary of the said tract of land, upon which request the

Baron de Carondelet made the following order of survey or concession, to wit:

"NEW ORLEANS, 17*th June*, 1795.

"The surveyor-general of the province, or the private person named (or appointed) for that purpose, will locate (or establish) this portion (or tract) of land which is petitioned for, upon the two leagues of land in front by one in depth, in the place pointed out (or indicated) in the preceding memorial. The said lands being vacant, and the said location not operating to any one's predudice; with the express condition that a road and a regular clearing be made in the peremptory space of one year, and this concession to remain null, if, at the precise expiration of three years' time, the said land shall not be settled upon; and during which time it cannot be alienated; under which supposition, a complete survey of the land must be remitted to me, in order that a correspondingly formal title may be supplied to the party in interest.

"EL BARON DE CARONDELET."

The tract of land is to be situated twenty-five leagues below the mouth of the Arkansas river, and the Cypress Swamp of the Island of Chicote is to be its upper boundary. There is no proof in this case as to the existence of the Island of Chicote; but there is evidence proving the existence of a place on the Mississippi River, known and called by the name of Point Chicot; and it may be admitted that this is the place called for in the request and order, or warrant of survey. But the petitioners have wholly failed to show by testimony, that there existed a Cypress Swamp above the place, called the Island of, or Point Chicot, which was to constitute the upper boundary of the tract of land intended to be granted. In the absence of this proof, it is manifest that no precise locality is given to the tract of land claimed by the petitioners.

To give identity and locality to the tract of land intended to be granted by the order of survey, it is evident that an actual official survey made by the surveyor-general of the province, one of his deputies, or a private persón appointed for that purpose, was essential. This, however, was never done. The tract of land, then, claimed by the petitioners, has never been identified and severed from the royal domain; and, upon this ground alone, the claim is null and void. For the reasons upon which this opinion is founded, I refer to the decision of this court, at the present term, in the case of Elisha Winter's Heirs, and the authorities there cited. Whereupon, it is ordered, adjudged and decreed, that the petition in this case be, and the same is hereby dismissed; and it is further ordered that the petitioners pay all the costs of this case, &c.

B. JOHNSON,
District Judge.

Whereupon, the petitioners come by A. Fowler, Esq., their solicitor, and pray an appeal, from the decision of this court, to the Supreme Court of the United States, which prayer be, and the same is hereby granted them, and appeal allowed.

And afterwards, to wit, on the 23d April, 1849, the following order was had in said cause, to wit:

This day, came the said complainants, by A. Fowler, Esq., their solicitor, and thereupon, on his motion, it is ordered, that all the original papers in this case, which were read in evidence by the said complainants on the hearing of this cause, be sent up with the transcript of this case, to the Supreme Court of the United States, by the Honourable Robert W. Johnson, of the House of Representatives of the United States, or by one of the United States Senators for Arkansas, to be used on the appeal granted herein.

THE UNITED STATES OF AMERICA,
District of Arkansas, sct.

I, William Field, clerk of the District Court of the United States, in and for the District of Arkansas, do certify, that the foregoing two hundred and fifty-six pages, and two plats, or maps of survey, contain a full and complete transcript of the record and proceedings in the case of the Heirs of Don Carlos de Vilemont against the United States and others, as appears of record.

In testimony whereof, I have hereto set my hand as clerk, and affixed the seal, of said court, this 13th day of July, A. D., 1850, and the year of American Independence, the 75th.

[SEAL.]

Attest: WM. FIELD,
Clerk.

THE UNITED STATES OF AMERICA,
DISTRICT OF ARKANSAS.
In the District of Arkansas.

THE HEIRS OF DON CARLOS DE VILEMONT
vs.
THE UNITED STATES, ET AL.

Petition for Confirmation of Spanish Land Claim.

The following are the papers used as evidence by the petitioners in the trial of this cause, to wit:

No. 1. The original letter-book of De Vilemont, in the Spanish language.

No. 2. Original grant, in Spanish, signed by El Baron de Carondelet.

No. 3. A Spanish paper, signed Chas. Tessier.

No. 4. A Spanish paper, signed Chas. Tessier.

No. 5. Letters marked A, B, C, D, E, F, referred to in deps.

No. 6. Deed to Chas. Tessier, from Heirs of De Vilemont.
No. 7. Agreement between Heirs of De Vilemont and Lewis Janin.
No. 8. De Vilemont's deed to Tessier.
No. 9. Interrogatories and dedimus, and copies of letters from commissioners land office, and depositions.
No. 10. Transcript from general land office.
No. 11. Two plats of survey.
No. 12. Letters of B. Smith, register of the land office.
No. 13. Notice of Wm. Russell to the land officers at Little Rock.
No. 14. Transcript from the recorder of land titles.
No. 15. Translation of the original grant, &c.

The above are a portion of the papers used as evidence in the trial of this cause.

THE UNITED STATES OF AMERICA,
District of Arkansas, sct.

I, William Field, clerk of the District Court of the United States, in and for the district aforesaid, do certify, that the foregoing abstract of papers from No. 1 to 15, inclusive, are the papers used and read as evidence on the part of the petitioners, upon the trial of the suit of the Heirs of De Vilemont *vs.* The United States and others, for the confirmation of Spanish land claim.

In testimony whereof, I have hereto set my hand as clerk, and affixed the seal, of said court, this 26th day of July, A. D., 1850, and the 75th year of American Independence.

[SEAL.]

Attest:

WM. FIELD,
Clerk.